



CHAPTER xiii.

An Act to empower the urban district council of Ebbw Vale to construct new waterworks to confer further powers on the Council in regard to their water undertaking and for other purposes.

[22nd July 1941.]

WHEREAS the urban district of Ebbw Vale (in this Act referred to as "the district") is an urban district under the government of the urban district council of Ebbw Vale (in this Act referred to as "the Council"):

And whereas the demand for water within the limits of the Council for the supply of water has increased and is increasing and to enable the Council to meet such demand it is expedient that the Council should be empowered to make and maintain the works in this Act described and to acquire lands for the purposes thereof:

And whereas it is expedient that further powers should be conferred upon the Council with respect to their water undertaking:

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

For the purchase of lands and easements for and the construction of the works authorised by this Act	£ 169,000
The enlargement of the existing filters at the Llangynidr and Carno reservoirs	13,000

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 as by this Act provided:

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

And whereas plans showing the lands required or which may be taken or used compulsorily for the purposes or under the powers of this Act such plans showing the lines or situation of the works authorised by this Act and sections showing the level 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 the occupiers of the said lands were duly deposited with the clerk of the county council of the administrative county of Brecknock and are in this Act respectively referred to as the deposited plans sections and book of reference:

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 sections 253 254 and 255 of the Local Government Act 1933 have been observed:

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the Ebbw Vale Urban District Council Act 1941.

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

- Part I.—Preliminary.
- Part II.—Construction of waterworks.
- Part III.—Acquisition of lands.
- Part IV.—Supply pipes and communication pipes.
- Part V.—Water supply.
- Part VI.—Financial provisions.
- Part VII.—Miscellaneous.

3.—(1) Subject to the provisions of this Act the following Acts and parts of Acts (so far as the same are applicable for the purposes and are not varied by or inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(a) The Lands Clauses Acts with the following exception and modification (namely):—

(i) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

23 & 24
Geo. 5.
c. 51.

Short
title.

Division of
Act into
Parts.

Incorporation
of Acts.

8 & 9 Vict.
c. 18.

PART I.
—cont.

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

(b) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and for the purposes of this Act such provisions shall have effect as if the works by this Act authorised were referred to instead of "the railway" and as if the centre lines of such works were referred to instead of "the centre of the railway";

8 & 9 Vict.
c. 20.

(c) The Waterworks Clauses Act 1847 except—

10 & 11 Vict.
c. 17.

(i) the words "with the consent in writing of the owner or reputed owner of any such house or the agent of such owner" in section 44;

(ii) 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); and

(iii) section 83 (with respect to the yearly receipt and expenditure of the undertakers);

(d) The Waterworks Clauses Act 1863.

26 & 27 Vict.
c. 93.

(2) For the purposes of the incorporation of the aforesaid Acts and parts of Acts—

(a) the several expressions "the promoters of the undertaking" "the undertakers" and "the company" when used in any of those Acts shall mean the Council; and

(b) the expression "the limits of the special Act" when used in the Waterworks Clauses Act 1847 shall mean the limits of supply as defined in this Act.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith, or by the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

26 Geo. 5. &
1 Edw. 8. c. 49.

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

"the Council" means the urban district council of Ebbw Vale;

"the district" means the urban district of Ebbw Vale;

"the new works" means the works authorised by this Act;

PART I.

—cont.

9 & 10 Geo. 5.
c. 57.

“ the clerk ” means the clerk of the Council;

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

“ the tribunal ” means the arbitrator 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;

41 & 42 Vict.
c. 76.

“ telegraphic line ” has the same meaning as in the Telegraph Act 1878;

“ the Minister ” means the Minister of Health;

“ daily penalty ” means a penalty for each day on which any offence is continued by a person after conviction;

“ the limits of supply ” means the limits within which the Council are for the time being authorised to supply water;

“ the water undertaking ” means the water undertaking of the Council for the time being authorised;

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

38 & 39 Vict.
c. 83.

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

“ authorised security ” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money;

“ 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 but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933;

“war period” means the period for which the Emergency Powers (Defence) Act 1939 is in force.

2 & 3 Geo. 6.
c. 62.

PART II.

CONSTRUCTION OF WATERWORKS.

5. Subject to the provisions of this Act the Council may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the waterworks hereinafter mentioned.

Power to
make water-
works.

The said works will be situate in the parish of Llangynidr in the rural district of Crickhowell in the county of Brecknock and are—

Work No. 1 An intake weir and pumping station (to be known as pumping station No. 1) at a point on the Claisfer stream at a distance of thirty chains or thereabouts measured in a south-westerly direction from the building known as Blaen-y-cwm;

Work No. 2 A distributing basin at a point one-half of a chain or thereabouts measured in a north-easterly direction from the north-eastern termination of the embankment of the Llangynidr reservoir of the Council;

Work No. 3 An aqueduct commencing at pumping station No. 1 and terminating at the distributing basin (Work No. 2);

Work No. 4 A reservoir (to be known as the Claisfer reservoir) to be formed by means of a dam or embankment across the Claisfer stream commencing at a point in the enclosure numbered 942 on the 1/2500 Ordnance map (edition 1904) Brecknockshire sheet XLI.5 at a distance of nine chains or thereabouts measured in a north-westerly direction from the building known as Tyle-coed and six and one-half chains measured in a southerly direction from the northern corner of the said enclosure

PART II.
—cont.

942 and terminating at a point in the enclosure numbered 958 on the 1/2500 Ordnance map (edition 1904) Brecknockshire sheet XLI.9 at a distance of four chains or thereabouts measured in a south-easterly direction from the building known as Tyle-coed and three chains or thereabouts from the south-eastern corner of the said enclosure 958 and the said reservoir will extend from the said dam or embankment in a south-westerly direction to a point in the Claisfer stream seven and one-half chains or thereabouts measured in a northerly direction from the southern corner of the enclosure numbered 1055 on the said 1/2500 Ordnance map Brecknockshire sheet XLI.9;

Work No. 5 A pumping station (to be known as pumping station No. 2) situated at a distance of five and one-half chains or thereabouts measured in a northerly direction from the building known as Tyle-coed and seven and one-half chains or thereabouts measured in a westerly direction from the eastern corner of the enclosure numbered 937 on the said 1/2500 Ordnance map Brecknockshire sheet XLI.5;

Work No. 6 An aqueduct commencing at pumping station No. 2 and terminating at pumping station No. 1;

Work No. 7 An approach road commencing in the roadway shown upon the said 1/2500 Ordnance map Brecknockshire sheet XLI.5 at a point fourteen chains or thereabouts measured in a south-easterly direction from the building known as Claisfer-isaf and twenty-one chains or thereabouts measured in a south-westerly direction from the building known as Pen-rhiw-garn and terminating at pumping station No. 1;

Work No. 8 An approach road commencing at the termination of the intended dam or embankment (Work No. 4) and terminating at a point in the approach road (Work No. 7) twenty chains or thereabouts measured in a northerly direction from the southern corner of the enclosure numbered 1057 on the said 1/2500 Ordnance map Brecknockshire sheet XLI.9 and fifteen chains measured in a westerly direction from the eastern corner of the said enclosure 1057.

6. In addition to the new works the Council may in under or upon any lands delineated on the deposited plans make and maintain and alter all such cuts channels catchwaters tunnels

Subsidiary
works.

headings conduits pipes culverts drains services washouts bye-washes shafts overflows waste-water channels gauges filters works for the treatment of water buildings roads tanks banks walls bridges embankments piers approaches telegraphs telephones and other means of electric communication engines machinery apparatus 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 Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

PART II.
—cont.

7. In the construction of the new works the Council may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or road (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits) and they may also deviate vertically from the levels shown on the deposited sections to any extent:

Limits of
deviation.

Provided that pumping station No. 1 shall not be constructed at a site lower on the Claisfer stream than the site thereof shown on the deposited plans:

Provided also that no embankment of a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and six feet in addition thereto and that except for the purpose of crossing over a river stream dyke or watercourse and except for the purpose of crossing over any lands in cases where the consent of the owners of and of all other persons interested in such lands is obtained to the aqueducts or pipes or any part or parts thereof being raised above the surface of the ground no part of the aqueducts or 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:

8.—(1) The Council shall on or before the first day of October one thousand nine hundred and forty-seven or three years after the termination of the war period whichever is the later commence the construction of the Claisfer reservoir unless they shall previously have obtained from the Minister (after the Minister has held a public inquiry) a certificate that such commencement is for any reason impracticable or is or has become unnecessary:

Provision
for construc-
tion of
Claisfer
reservoir.

(2) The Council shall complete the Claisfer reservoir within a period of four years after the commencement of the construction thereof. Any question as to the date when such construction was commenced shall be determined by the Minister.

PART II.
—cont.
Period for
completion
of works.

9. If the new works are not completed on or before the first day of October one thousand nine hundred and fifty-one or seven years after the termination of the war period whichever is the later then as from that date 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 Council may extend enlarge alter reconstruct renew or remove any of the new works and in the case of the lines of pipes lay down additional lines of pipes as and when occasion may require.

New works
to form
part of water
undertaking.

10. Subject to the provisions of this Act the new works shall for all purposes be deemed to be part of the water undertaking.

Discharge of
water into
streams.

11.—(1) For the purpose of constructing maintaining repairing altering enlarging extending cleansing emptying testing or examining any work authorised by this Act the Council may cause the water in any such work to be discharged into any available river stream ditch or watercourse and for that purpose the Council may lay down and maintain in any street all necessary pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall with the necessary modifications apply thereto. Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter and matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Council shall do as little damage as may be and shall pay compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of such compensation to be settled in case of difference by arbitration.

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

Power to
take waters.

12. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of the water undertaking the waters of the Claisfer stream and of all tributaries flowing into that stream above the embankment of the Claisfer reservoir and such other waters as flow naturally to and will be intercepted by pumping station No. 1 or the Claisfer reservoir.

13.—(1) The powers conferred by this Act for taking the water of the Claisfer stream shall be subject to the following restrictions and conditions:—

- (a) The Council before taking any water by means of any of the works authorised by this Act shall place and maintain a weir across the Claisfer stream at or near pumping station No. 1 and in connection therewith a proper and suitable self-recording measuring gauge through an aperture in which one hundred and twenty thousand gallons of water shall be allowed to pass or flow continuously at a uniform rate down the said stream every day of twenty-four hours;
- (b) On any such day of twenty-four hours during such time as the flow of water in the said stream at the said weir shall be less than the rate of one hundred and twenty thousand gallons a day the Council shall not be entitled to draw any water therefrom but during such time as the flow is in excess of such rate the Council may take such excess or such part thereof as they may require not exceeding during any day of twenty-four hours a greater quantity than one million five hundred thousand gallons;
- (c) Before the Council commence to take any water from the Claisfer stream under the powers of this subsection they shall pay to the Minister of Agriculture and Fisheries the sum of five hundred pounds which sum shall be applied by that Minister at such times and in such manner as he shall think fit in maintaining and improving the fisheries within the fishery district of the Usk Board of Conservators.

(2) After the completion and first filling of the Claisfer reservoir the Council shall during every day of twenty-four hours discharge or deliver into the Claisfer stream at a point therein situate within the limits of deviation for the Claisfer reservoir shown on the deposited plans not less than five hundred thousand gallons of water in a regular and continuous flow.

For the purposes of this subsection the Claisfer reservoir shall be deemed to be filled when the surface of the water in the reservoir is level with the crest of the waste weir.

(3) For the purpose of measuring the quantity of water to be so discharged or delivered into the Claisfer stream the Council shall construct and maintain a proper and suitable gauge over or through which the said water shall flow with an automatic recording instrument for measuring such quantity of water.

PART II.
—cont.

(4) The gauges and instruments mentioned in subsections (1) and (3) of this section shall be subject to the reasonable approval of the Minister of Agriculture and Fisheries and in the event of such approval being withheld to the approval of an engineer to be appointed on the application of the Council by the President of the Institution of Civil Engineers and shall at all reasonable times be open to the inspection and examination of all persons interested in the flow of the Claisfer stream including the Usk Board of Conservators and any person duly authorised by that board.

(5) In case of any neglect on the part of the Council to maintain any such gauge or instrument in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow and in case of any breach by the Council of the provisions of subsection (1) of this section the Council shall for every day on which such neglect or breach occurs forfeit and pay to the Usk Board of Conservators if they sue for and recover the same the sum of twenty-five pounds and to each of the persons affected thereby who may sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(6) If any difference arises between the Council and any person so interested with respect to the maintenance or use of the said gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the President of the Institution of Civil Engineers.

(7) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the Claisfer stream and other waters which the Council are by the section of this Act of which the marginal note is "Power to take waters" empowered to take use divert and appropriate except in respect of any land situate between the embankment of the Claisfer reservoir and the point of discharge of water into the Claisfer stream pursuant to subsection (2) of this section.

14. The Council may on all or any of the lands for the time being held by them in connection with the water undertaking execute for the purposes thereof or in connection therewith any of the new 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:

Exercise of
powers of
section 12 of
Waterworks
Clauses Act
1847.

Provided that the Council shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

PART II.
—cont.

15. 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 street or road (whether within or beyond the limits of supply) of the lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may and which they are hereby authorised to erect or lay down for the purposes of the water undertaking:

Application of Waterworks Clauses Act, 1847.

Provided that the Council shall not construct lay down erect or maintain any discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any street road or bridge or approach belonging to or maintainable by any railway company without the consent in writing of such company which consent shall not be unreasonably withheld and shall be deemed to have been given if such company shall fail to signify their consent or dissent within twenty-one days after it shall have been applied for Any question as to whether or not any such consent is unreasonably withheld shall be determined by arbitration.

16.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Council may by agreement purchase take on lease and acquire any lands in or over which any waters which the Council 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:

Power for protection of waters and waterworks.

Provided that the Council 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 water undertaking.

(2) The Council 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 purifying intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted and the Council 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 Council

PART II.
—cont.

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.

Byelaws for preventing pollution of water.

17.—(1) The Council may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the area defined in the byelaws being the whole or part of the areas through which the said waters flow.

(3) In addition to complying with the requirements of section 250 of the Local Government Act 1933 the Council shall—

(a) send at least one month before the application is made a copy of the byelaws to the council of every county the local authority of every district and the catchment board of every catchment area any part of which is within the area defined in the byelaws;

(b) publish in the London Gazette at least one month before the application is made notice of their intention to apply for confirmation;

(c) exhibit during the said month in some conspicuous place in each borough urban district and rural parish any part of which is within the said area a copy of the notice referred to in subsection (3) of section 250 of the Local Government Act 1933;

(d) at the request of any owner or occupier of land within the said area furnish to him free of charge a copy of the byelaws and a statement of the effect of this section and at the request of any other person interested furnish to him a copy of the byelaws on payment of such sum not exceeding one shilling for every copy as the Council may determine.

Paragraph (d) of this subsection shall have effect in lieu of subsection (5) of section 250 of the Local Government Act 1933.

In this subsection the expression "month" means a period of twenty-eight days exclusive of any day in the month of August.

(4) The Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section

whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local authority of the district in which such lands are situate and such compensation shall be settled in default of agreement by arbitration.

18.—(1) If in the opinion of the Council it shall be expedient in order to preserve the purity of the waters which they are by this Act authorised to take to prohibit the washing of sheep (with or without the use of chemicals) in any such waters the Council shall have power to prohibit such washing of sheep:

Sheep
washing.

Provided that—

(a) before the Council carry this provision into effect in respect of any place where it has been the practice to wash sheep they shall give to the owners of such washing place notice in writing of their intention so to do and shall also give notice of such intention by advertisement in a newspaper circulating in the district in which such washing place is situate and shall also provide and maintain in the nearest convenient and available situation another suitable washing place and also a suitable folding place in the immediate vicinity thereof;

(b) no such notice shall be issued to take effect during any period within which any dipping order of the Ministry of Agriculture and Fisheries shall be in force in the area in which such washing place is situate.

(2) Any person aggrieved by any prohibition issued by the Council under this section may within three months after the issue thereof appeal to a court of summary jurisdiction provided that he give not less than fourteen days' notice of the appeal and of the grounds thereof to the Council.

(3) In the event of any such appeal the court shall have power to cancel the prohibition or to allow the same unconditionally or subject to such conditions as to the area within which the same shall take effect or as to the provision and maintenance of another suitable washing place or otherwise as they may think fit and to award costs which costs shall be recoverable summarily as a civil debt.

19.—(1) The Council shall erect fit up and maintain or provide—

Accommoda-
tion for
workmen
employed on
new works.

(a) such huts or buildings for the accommodation of the workmen employed in and about the construction of the new works;

PART II.
—cont.

(b) such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases;

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the new works and shall provide and maintain proper and sufficient sanitary accommodation in connection with every such building and hospital.

(2) The Council shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the new works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Health Insurance Acts 1936 to 1939 or otherwise.

(3) The medical officer of health of the county council of the county in which any accommodation afforded under this section is situate (in this section called "the county council") and any officer duly authorised by the county council shall be entitled at any time to enter into inspect and examine such accommodation in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

(4) The Council shall give such officer all facilities and information which he may reasonably require for the purpose of the performance of his duties including the right to enter upon the new works and any person obstructing such officer in the performance of his duty under this section shall be liable to a penalty not exceeding forty shillings.

(5) If at any time it appears to the county council that the Council have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Council shall afford and maintain such accommodation as the county council may reasonably require:

Provided that if within fourteen days after the receipt of notice of any requirement of the county council under this subsection the Council give notice to that council that they dispute the reasonableness of any such requirement the difference shall be determined by the Minister on the application of either of the parties to the difference and the Minister may make such requirements (if any) in variation of the requirements of the county council as he may think fit.

(6) If the Council fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

20. Notwithstanding anything in the Special Enactments (Extension of Time) Act 1940 that Act shall apply to the powers conferred by this Act to execute works and to purchase or acquire compulsorily lands and easements.

PART II.
—cont.
Application of
Special Enactments
(Extension of Time)
Act 1940.
3 & 4 Geo. 6. c. 16.

21. Any electric lines and apparatus for the transmission of electricity and any telegraph or telephone posts wires conductors or apparatus and any other means of electric communication made maintained laid down or erected by the Council under the provisions of this Part of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be installed or worked in contravention of the provisions of the Wireless Telegraphy Acts 1904 to 1926 or any statutory re-enactment or modification thereof and shall not be constructed maintained and used in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protection
of Postmaster-
General.

32 & 33 Vict.
c. 73.

22. For the protection of the county council of the administrative county of Brecknock (in this section referred to as "the county council") the following provisions shall apply except so far as may be otherwise agreed between the Council and the county council:—

For protection
of Brecknock
County
Council.

- (1) The Council shall repay to the county council all expenses reasonably incurred by them in or about any strengthening alteration repair or renewal of any county bridge or in the repair of any fords culverts arches or highway drains vested in the county council which may be endangered or damaged by passage of the traffic of the Council or of their contractors or servants in the exercise of the powers of this Part of this Act:
- (2) The Council shall during such period as the works in the county of Brecknock by this Act authorised are in process of construction pay to the county council the cost of maintaining such an additional number of police as may be reasonably necessary for the due preservation of order and the Council shall pay to the county council the cost of the erection of such temporary buildings as may be reasonably necessary for police purposes at such place or places as may be determined by the county council:
- (3) Any difference which may arise between the county council and the Council under this section shall be determined if it arises under subsection (1) by arbitration and if it arises under subsection (2) by the Secretary of State.

PART II.

—cont.

For protection
of Crickhowell
Rural District
Council.

23.—(1) In this section—

“the Crickhowell Council” means the rural district council of Crickhowell;

“the signed plan” means the plan signed in duplicate by Philip Isaac Davies on behalf of the Council and John Thomas on behalf of the Crickhowell Council;

“the signed sections” mean the longitudinal and cross sections signed in duplicate by the said Philip Isaac Davies and John Thomas.

(2) (a) Before commencing the construction of any work which would interfere with the use of the roadway in the enclosures numbered 12 10 6 and 8 on the deposited plans the Council (unless otherwise agreed between the Council and the Crickhowell Council) shall construct the new roadway shown in pink on the signed plan as a diversion of that roadway and according to the levels shown on the signed sections.

(b) The persons who are liable to repair the existing roadway shall be liable to repair the said new roadway.

(3) (a) Before commencing the construction of so much of the embankment of the Claisfer reservoir as will interfere with the use of the existing footpath in the enclosures numbered 29 26 27 22 and 20 on the deposited plans the Council (unless otherwise agreed between the Council and the Crickhowell Council) shall construct the new footpath shown in pink on the signed plan in the said enclosure numbered 29.

(b) The persons liable to repair the existing footpath shall be liable to repair the said new footpath.

PART III.

ACQUISITION OF LANDS.

Acquisition of
lands.

24. Subject to the provisions and for the purposes of this Act the Council 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 as may be required for the purposes of the new works.

Period for
compulsory
purchase of
lands.

25. The power of the Council for the compulsory purchase of lands for the purpose of this Act shall cease after the expiration of three years from the thirty-first day of October one thousand nine hundred and forty-one.

Acquisition of
easements.

26.—(1) The Council may in lieu of acquiring any lands for the purposes of the new works acquire such easements and rights only in such lands as they may require for such purposes (including the making enlarging maintaining repairing inspecting cleansing managing using working and obtaining

access to such works) and may give notice to treat in respect of such easements and rights describing the nature thereof and the rights which the Council require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and of this Act shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

PART III.
—cont.

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

27. 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
disability
may grant
easements
&c.

28. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands authorised by this Act to be taken and used for the purpose of surveying and valuing the said lands 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.

Power to
enter upon
property
for survey
and
valuation.

29. At any time after notice to treat has been served for any land which the Council are by this Act authorised to purchase compulsorily the Council may after giving to the owner and occupier of the land not less than one month's notice enter on and take possession of the land or such part thereof

Further
powers of
entry.

PART III.
—cont.

as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Compensation
in case of
recently
acquired
interest.

30. 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 March one thousand nine hundred and forty-one 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.

Extinction of
private rights
of way.

31.—(1) All private rights of way over any lands which the Council are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Council be extinguished except to the extent to which the Council shall by resolution otherwise determine.

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

Correction of
errors in
deposited
plans and
book of
reference.

32. If there is 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 described in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices having jurisdiction in the place in which the lands are situate 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 or a copy thereof shall be deposited with the clerk of the county council of the administrative county of Brecknock and a duplicate thereof shall also be deposited with the clerks of the rural district council of Crickhowell and the parish council of Llangynidr and such certificate and duplicate respectively shall be kept by such clerks 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 the certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with the certificate.

PART III:
—cont.

33.—(1) The Council notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Council should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district.

Further powers for the acquisition of lands.

(2) When any lands purchased or acquired or taken on lease by the Council under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Council and pending such appropriation all expenses incurred by the Council under this section shall be payable out of the general rate fund and general rate.

34.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Council may retain and 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 on such terms and conditions as they may think fit and in consideration either of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the district (other than the Housing Act 1936 or any Act repealed by that 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:

Retention and disposal of lands.

26 Geo. 5.
& 1 Edw. 8.
c. 51.

Provided that the Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interest 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 is necessary or has been obtained:

Provided also that nothing in this section shall be taken to dispense with the consent of any government department to any sale lease appropriation or other disposition of any lands of the Council (other than lands acquired under any local

PART III.
—cont.

Act applying to the Council) in any case in which such consent would have been required if this Act had not been passed.

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or 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 Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this Act had not been passed.

Reservation
of easements
&c.

35. The Council on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Powers
with
reference to
leases of
lands.

36.—(1) The Council may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act or any local Act for the time being in force within the district and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of the lands as aforesaid.

(2) The Council may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Council of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Council in their discretion.

Power to
develop lands.

37.—(1) The Council may (with the consent of the Minister) lay out and develop any lands at any time belonging to the Council and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and construct

sewer drain pave flag channel and kerb streets roads and ways on any such lands.

(2) The Council may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

38.—(1) The Council may purchase or take on lease houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such houses and buildings upon any lands for the time being belonging to the Council and (subject to the terms of the lease) upon any lands for the time being leased to the Council for those purposes.

(2) Nothing contained in this section shall empower the Council to create or permit a nuisance.

39.—(1) The Council may (so far as they consider necessary) apply subject to the approval of the Minister any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Any capital moneys received by the Council on the resale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

40. Nothing in the provisions of the sections of this Act of which the marginal notes are "Power for protection of waters and waterworks" "Accommodation for workmen employed on new works" "Power to develop lands" and "Houses for persons in the employment of Council" shall authorise the development of any land or the erection of any buildings or the execution of any works in contravention of any requirements or restrictions imposed by or under any enactment as to the erection placing or making of buildings erections or excavations or the construction formation or laying out of means of access to or from any road or as to the submission of plans and specifications or the giving of notices

PART III.
—cont.

Houses for
persons in the
employment
of Council.

Proceeds of
sale of
surplus
lands.

Saving for
planning
schemes &c.

PART III.
—cont.
15 & 16 Geo. 5.
c. 16.
22 & 23 Geo. 5.
c. 48.

to any authority or in contravention of any provision contained in a scheme made under the Town Planning Act 1925 or the Town and Country Planning Act 1932 or any enactment repealed by either of those Acts.

PART IV.

SUPPLY PIPES AND COMMUNICATION PIPES.

Commence-
ment of
Part IV.

41. This Part of this Act shall come into force on the first day of January one thousand nine hundred and forty-two.

Definitions for
Part IV.

42. In this Part of this Act unless the subject, or context otherwise requires—

“the appointed day” means the first day of January one thousand nine hundred and forty-two;

“main” means a pipe laid by the Council for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

“service pipe” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main or would be so subject but for the closing of some tap;

“supply pipe” means so much of any service pipe as is not a communication pipe;

“communication pipe” means—

(a) where the premises supplied with water abut on the part of the street in which the main is laid and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stop-cock placed in those premises and as near to the boundary of that street as is reasonably practicable so much of the service pipe as lies between the main and that stop-cock;

(b) in any other case so much of the service pipe as lies between the main and the boundary of the street in which the main is laid;

and includes the ferrule at the junction of the service pipe with the main and also—

(a) where the communication pipe ends at a stop-cock that stop-cock; and

(b) any stop-cock fitted on the communication pipe between the end thereof and the main;

“ outer wall ” in relation to a building abutting on a street does not include the outer wall of a cellar or other structure belonging to that building but situate beneath the street;

“ street ” includes any highway including a highway over any bridge and any road lane footway square court alley or passage within the limits of supply whether a thoroughfare or not.

43.—(1) On the appointed day so much of every service pipe as constitutes a communication pipe not then the property of the Council shall by virtue of this Part of this Act become transferred to the Council without payment therefor and as from the appointed day all communication pipes whether laid before or after the appointed day shall vest in the Council and the Council shall at their own expense carry out any necessary works of maintenance repair or renewal of such pipes and any work on their mains incidental thereto.

Transfer and vesting of communication pipes &c.

(2) The Council shall also carry out any such necessary works as aforesaid in the case of so much of any supply pipe as is laid in a highway and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the owner of the premises supplied by the pipe but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the premises.

(3) If the Council fail to carry out any such necessary work with all reasonable dispatch after service upon them of complaint of a defect from an owner or occupier of premises affected they shall unless such failure is due to frost drought or other unavoidable cause or any accident be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

44. On and after the appointed day an owner or occupier of any premises within the limits of supply who desires to have a supply of water for his domestic purposes from the waterworks of the Council shall subject to the provisions of this Part of this Act comply with the following requirements:—

Laying of supply pipes &c.

(a) he shall give to the Council fourteen days' notice of his intention to lay the necessary supply pipe and at or before the time of giving such notice shall pay or tender to them such sum as may be payable in advance by way of water rate in respect of his premises;

(b) he shall lay the supply pipe at his own expense having first obtained as respects any land not forming part of a street the consent of the owners and occupiers thereof; and

PART IV.
—cont.

- (c) the bore strength and material of the supply pipe shall comply with the requirements of the byelaws or regulations of the Council with respect to those matters or if there are no byelaws or regulations shall be such as may be approved by the Council or in case of dispute by a court of summary jurisdiction:

Provided that where any part of the supply pipe is to be laid in a highway he shall not himself break open the highway or lay that part of the pipe.

Laying of
communication
pipes &c.

45.—(1) Upon receipt of such a notice as is referred to in the last preceding section the Council shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a highway and shall connect the communication pipe with the supply pipe:

Provided that where any part of the supply pipe is to be laid in a highway they may elect to lay a main in the highway for such distance as they think fit in lieu of a supply pipe and in that case shall lay a communication pipe from that main and connect it with the supply pipe.

(2) If the Council fail to carry out the said work within fourteen days after the person by whom the notice was given has laid a supply pipe in accordance with the provisions of the last preceding section they shall unless such failure is due to frost drought or other unavoidable cause or any accident be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The expenses reasonably incurred by the Council in executing the work which they are required or authorised by this section to execute shall be repaid to them by the person by whom the notice was given and may be recovered by them from him summarily as a civil debt:

Provided that if under the provisions of this section the Council lay a main in lieu of part of a supply pipe the additional cost incurred in laying a main instead of a supply pipe shall be borne by them.

(4) Notwithstanding anything in the foregoing provisions of this section the Council may within three days after the receipt of such a notice as aforesaid require the person giving the notice either to pay to them in advance the cost of the work as estimated by their engineer or to give security for payment thereof to their satisfaction and where they make such a requirement the period of fourteen days referred to in subsection (2) of this section shall not commence to run until the requirement has been complied with.

(5) If any payment so made to the Council exceeds the expenses which under the foregoing provisions of this section they would be entitled to recover from the person giving the notice the excess shall be repaid by them and if and so far as those expenses are not covered by the payment they may recover the balance from him summarily as a civil debt.

46.—(1) Subject to the provisions of this section the Council may require the provision of a separate service pipe for each house supplied or to be supplied by them with water.

Power to
require
separate
service pipes.

(2) If in the case of a house already supplied with water but not having a separate service pipe the Council give notice to the owner of the house requiring the provision of such a pipe the owner shall within three months lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a highway and the Council shall within fourteen days after he has done so lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a highway and make all necessary connections.

(3) If an owner upon whom a notice has been served under subsection (2) of this section fails to comply therewith the Council may themselves execute the work which he was required to execute.

(4) The expenses reasonably incurred by the Council in executing the work which they are required by subsection (2) of this section to execute or which they are empowered by subsection (3) of this section to execute shall be repaid to them by the owner of the house and may be recovered by them from him summarily as a civil debt but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the house.

(5) If the Council make default in executing the work which they are required by subsection (2) of this section to execute they shall unless such failure is due to frost drought or other unavoidable cause or any accident be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(6) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the water rates in respect of all those houses then so long as he punctually pays those rates and the supply pipe of those houses is sufficient to meet the requirements thereof the Council shall not require the provision of separate service pipes for those houses.

(7) Without prejudice to the provisions of subsection (6) of this section where on the appointed day two or more houses were being supplied with water by a single service pipe the

PART IV.
—cont.

Council shall not require the provision of separate service pipes for those houses until either—

- (a) the existing supply pipe becomes so defective as to require renewal or is no longer sufficient to meet the requirements of the houses; or
- (b) an instalment of the water rate in respect of any of the houses remains unpaid after the end of the period for which it is due; or
- (c) the houses are by structural alterations to one or more of them converted into a larger number of houses.

Power to
break open
streets
forming
boundary of
limits of
supply.

47. Where any premises which are within the limits of supply abut on or are situate near to any street which is as to the whole or a part of its width outside those limits the Council may for the purpose of supplying water to the owner or occupier of those premises exercise with respect to the whole width of the street the like powers of laying inspecting repairing altering renewing and removing service pipes with any necessary stop-cocks and fittings and of breaking open the street for that purpose as are exerciseable by them with respect to streets within the limits of supply subject however to the like conditions and obligations.

As to position
&c. of stop-
cocks.

48.—(1) On every service pipe laid after the appointed day the Council shall and on every service pipe laid before that date the Council may fit a stop-cock enclosed in a covered box or pit of such size as may be reasonably necessary.

(2) Every stop-cock fitted on a service pipe after the appointed day shall be placed in such position as the Council deem most convenient:

Provided that—

- (a) a stop-cock in a street shall after consultation with the highway authority concerned be placed as near to the boundary thereof as is reasonably practicable; and
- (b) a stop-cock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises.

Certain
provisions
of Waterworks
Clauses Act
1847 to cease
to apply.

49. On and after the appointed day the provisions of this Part of this Act shall have effect in substitution for the provisions of sections 44 to 47 (with respect to the communication pipes to be laid by the undertakers) and of sections 48 to 52 (with respect to the communication pipes to be laid by the inhabitants) of the Waterworks Clauses Act 1847 so far as those sections relate to any pipe which constitutes or forms part of a communication pipe.

50.—(1) On the appointed day the following enactments shall be repealed:—

Ebbw Vale Water Act 1904—

Section 27 (Council not bound to supply several houses by one pipe):

Ebbw Vale Urban District Council Act 1917—

Section 12 (As to communication pipes).

(2) On and after the appointed day section 13 (Power to Council to repair communication pipes) and section 14 (Maintenance of common pipe) of the Ebbw Vale Urban District Council Act 1917 shall have effect as if the expressions "communication pipe" and "common pipe" in the said sections meant a supply pipe as defined in this Part of this Act.

(3) On and after the appointed day section 19 of the Waterworks Clauses Act 1863 which prohibits the extension or alteration of pipes without the consent of the undertakers shall in its application to the Council have effect as if the expression "communication or service pipe" meant a supply pipe as defined in this Part of this Act.

PART V.

WATER SUPPLY.

51. The Ebbw Vale Urban District Council Act 1920 shall be read and have effect as if the following clause were substituted for clause 7 of the schedule to that Act:—

7. The Nantyglo Council shall pay to the Council for the water supplied to them hereunder as follows:—

(A) During the period of three years from the twenty-fourth day of June one thousand nine hundred and forty-one or until the Council commence to supply water from any of the new works as defined by the Ebbw Vale Urban District Council Act 1941 whichever period shall be the longer at the rate of sixpence halfpenny per one thousand gallons; and

(B) Thereafter such price as in default of agreement may be settled by arbitration and any sum so agreed or determined by arbitration shall be open to revision by arbitration in default of agreement on the following occasions (namely):—

(i) after the construction by the Council of the Claisfer reservoir has been completed and that reservoir shall have been brought into use for the purpose of delivering compensation water into the Claisfer stream; and

PART IV.

—cont.

Repeal and amendment of provisions relating to communication pipes.

4 Edw. 7.

c. cli.

7 & 8 Geo. 5.

c. xl.

As to supply of water to Nantyglo and Blaina Urban District Council.

10 & 11 Geo. 5.

c. ix.

PART V.
—cont.

(ii) at the expiration of every subsequent period of ten years from (as the case may require) either—

(a) the happening of the events mentioned in subparagraph (i) of this paragraph; or

(b) (if the said events shall not happen within ten years from the expiration of the longer of the two periods referred to in paragraph (A) of this clause) the last occasion on which the said price was agreed or determined under this paragraph.

Limit of
pressure.

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

Application of
section 119 of
Public Health
Act 1936.

53. For the purposes of the supply of water by the Council under the enactments relating to the water undertaking the Council shall have the powers of a local authority under section 119 of the Public Health Act 1936 in respect of the carrying of water mains within or without the district and in exercising the powers of that section any area within the limits of supply shall be deemed to be included in the district.

Supply of
water by
Council to
areas outside
limits of
supply.

54.—(1) The Minister if he is satisfied that the owners or occupiers of premises in any area outside the limits of supply desire to obtain a supply of water from the Council may on the application of the Council subject to the provisions of this section by order authorise the Council to supply water in any such area or any part thereof or to any premises therein on such conditions as may be specified in the order. Provided that the water supplied by the Council in pursuance of the provisions of this section need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir or tank from which the supply is taken.

(2) An order under this section may contain such provisions as in the opinion of the Minister are necessary in order to give full effect to the order and upon the granting of any such order the provisions of the Acts and Orders from time to time relating to the Council shall subject to any necessary modifications apply in relation to the laying of pipes for affording a supply of water in pursuance of such order and otherwise as if the limits of supply extended as far as and so as to include the area or premises to which such order relates.

(3) An order under this section shall not (unless in the opinion of the Minister consent is unreasonably withheld) be

made except with the consent of the local authority within whose district and of any undertakers for the supply of water within whose limits of supply the area or premises to which a supply is proposed to be given is situate.

(4) (a) An order made under this section shall cease to have effect with respect to any area or any part thereof or any premises therein when the local authority within whose district or the undertakers for the supply of water within whose limits of supply such area or part thereof or such premises is or are situate are able and willing to supply water to such area or part thereof or premises as the case may be and give not less than three months' notice thereof to the Council.

(b) When such local authority or undertakers commence to supply water to any such area or part thereof or any premises therein in pursuance of this subsection they shall pay to the Council such portion of the expenditure incurred by the Council within such area or part thereof in the district of the local authority or within the limits of supply of the undertakers as the case may be in giving a supply to such area or part thereof or premises therein as may be agreed or failing agreement as may be determined by arbitration.

55. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Council be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense.

Amendment
of section 35
of Waterworks
Clauses Act
1847.

56. The Council may agree with the owner or occupier of any premises within the limits of supply who is not entitled to demand a supply of water from the Council to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates and rents are recoverable by them.

Agreements as
to supply of
water in
certain cases.

57.—(1) As from the first day of October one thousand nine hundred and forty-one section 5 (Rates for supply of water for domestic purposes) of the Ebbw Vale District Council Act 1917 is hereby repealed and from and after such date the Council shall at the request of the owner or occupier of any house or part of a house entitled under the provisions of the enactments relating to the water undertaking to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at a rate not exceeding fifteen pounds per centum per annum upon the net annual value of the premises supplied.

Rates for
supply of
water for
domestic
purposes.

PART V.
—cont.

(2) The net annual value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrued. 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 such net annual value shall be a fairly apportioned part of the net annual value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing charges the Council may charge in respect of every fixed bath beyond the first having a capacity (measured to the centre line of the overflow pipe or in such other manner as the Minister may by regulations prescribe) exceeding fifty gallons such sum as the Council may think fit.

The additional sums which may be charged under this subsection shall (subject to the provisions of the section of this Act of which the marginal note is "Collection of water rate &c.") be paid quarterly in advance and shall be recoverable in all respects with and in the same manner as the water rate.

Rates payable
by owners of
small houses.

15 & 16 Geo.

5. c. 90.

19 & 20 Geo. 5.

c. 17.

58.—(1) Where (a) the net annual value of a house does not exceed thirteen pounds or (b) the house supplied with water is let to a tenant by whom rent is payable at intervals not being longer than that prescribed by the local authority under and for the purposes of subsection (1) of section II of the Rating and Valuation Act 1925 as amended by section 71 of the Local Government Act 1929 the owner instead of the occupier shall if the Council in either or both such cases so determine pay the rate for the supply but the rate may be recovered by the Council from the occupier and may if so recovered and if the occupier be not himself liable for the water rate 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:

Provided also that where the owner of premises is liable to pay the water rate for the supply of water to those premises and is not himself the occupier thereof the Council shall not cut off the supply of water to the premises for a failure by him to pay the water rate.

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

59. The Minister may if he thinks fit from time to time on the application of the Council or of a local authority having jurisdiction within the limits of supply or of twenty persons supplied with water by the Council by order vary either by way of increase or decrease the rates and charges for the supply of water which the Council are by this Part of this Act authorised to charge and such order may provide for the alteration of the basis or scale of such rates and charges:

PART V.
—cont.
Revision of
rates and
charges.

Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will suffice to provide a reasonable sum as a contribution towards a reserve fund in respect of the water undertaking so long as such fund does not amount to the maximum prescribed under the section of this Act whereof the marginal note is "Application of revenue of undertakings" of this Act:

Provided also that in the absence of exceptional circumstances the Minister shall not alter the maximum rates and charges at less intervals than five years.

60. Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same person they shall be deemed for the purposes of determining the amount of the water rate chargeable by the Council in respect of any supply of water for domestic purposes furnished by the Council to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a value equal to the aggregate of the values of the separate houses or buildings or parts of houses or buildings so occupied.

As to yearly
value of
two or more
houses in one
occupation.

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

Supply to
houses
partly used
for trade &c:

- (a) any premises used as a house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required;
- (b) any public institution;
- (c) any hospital sanatorium school club hostel assembly hall place of public entertainment restaurant or licensed premises within the meaning of that expression as used in the Licensing (Consolidation) Act 1910;
- (d) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein.

10 Edw. 7. &
1 Geo. 5.
c. 24.

PART V.
—cont.

(2) (a) Where a supply of water to a farmhouse is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this subsection shall authorise the Council to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by this Act.

(b) For the purposes of this subsection the expression "farming purposes" includes dairy purposes.

(3) The minimum charge for a supply of water by meter to any of the premises mentioned in subsection (1) of this section shall be a sum equal to the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a house of the same net annual value.

Supplies to
swimming
baths and
bathing pools.

62. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Council may require that all water required for such swimming bath or bathing pool shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

Charges for
supplies for
refrigerating
apparatus &c.

63. Where a person who takes a supply of water for domestic purposes from the Council otherwise than by meter desires to use any of the water so supplied for operating—

(a) a water-cooled refrigerating apparatus; or

(b) any apparatus depending while in use upon a supply of continuously running water;

the Council may if they think fit require that all water so used shall—

(i) be taken by meter and paid for accordingly; or

(ii) be paid for at such rates as may be agreed between such person and the Council:

Charges for
horses and
washing
vehicles.

64.—(1) Where a person who takes a supply of water for domestic purposes otherwise than by measure is the occupier of stables garages or other premises where horses or motor cars or other carriages are kept and the water supplied to that person for domestic purposes is used for horses or washing motor cars or carriages or for other purposes in or in connection with such premises the Council may—

(a) if the water so used can be taken from a stand-pipe or tap (not being a stand-pipe or tap within any house occupied with such premises) but no hose-pipe or other similar apparatus be used in connection with such stand-pipe or tap charge in respect of the water so used such sum not exceeding ten shillings per

annum as they may prescribe and where more motor cars or carriages than one are kept a further sum not exceeding five shillings for each motor car or carriage beyond the first; or

(b) if the water so used be used by means of a hose-pipe or other similar apparatus charge in respect of the water so used such sum not exceeding twenty shillings per annum as they may prescribe and where more motor cars or carriages than one are kept a further sum not exceeding ten shillings per annum for each motor car or carriage beyond the first.

(2) Any sums chargeable under subsection (1) of this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be payable at the same dates and be recoverable in all respects with and in the same manner as those rates.

(3) Where water supplied by the Council to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing motor cars or carriages or for other purposes in or in connection with stables, garages, or premises where horses, motor cars or carriages are kept the Council may if they think fit require that all water so used by means of such hose-pipe or other apparatus shall be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter.

65.—(1) If the Council are of opinion that by reason of drought or other cause the water supply of the Council should be conserved the Council may prohibit as from such date as they may determine the drawing or user through any hose or moveable pipe of water supplied by them so far as such drawing or user is for the purpose of gardens or horses or washing vehicles or any outdoor washing purpose and such prohibition shall continue until withdrawn.

Power to prohibit use of hose-pipe temporarily.

(2) The Council shall before the prohibition comes into force give public notice in two or more newspapers circulating within the limits of supply of the prohibition and of the date when it will come into force.

(3) Any person who shall after the date stated in the said notice fail to comply with the prohibition shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) The Council shall not make any charge for the use of a hose or moveable pipe in respect of any period during which the drawing or user of water by means thereof is prohibited.

PART V.
—cont.

as aforesaid if such prohibition is complied with in relation to such hose or moveable pipe and where any consumer had paid to the Council the charge for the use of any such hose or moveable pipe during the year or part of a year which includes the said period and complies with the said prohibition in relation to such hose or moveable pipe the Council shall repay to the consumer the proportion of such charge which is attributable to that period.

Special
terms for
supplies to
caravans
shacks and
huts.

66:—(1) Notwithstanding anything in any Act relating to the Council a person shall not be entitled to demand or to continue to receive from the Council a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Council to take a supply of water by meter and to pay to the Council 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 Council 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.

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

Price of
supply by
measure.

67. The price to be charged for a supply of water by measure shall not exceed three shillings per one thousand gallons. Provided that the Council shall be entitled to charge for each such supply (other than a supply given under the sections of this Act of which the marginal notes are "Supply to houses partly used for trade &c." and "Special terms for supplies to caravans shacks and huts") such minimum sum not exceeding five shillings as they may prescribe in respect of the water supplied in any quarter of a year.

Collection of
water rate &c.

68.—(1) Any water rate or charge payable to the Council in respect of premises within the district may be collected together with the general rate.

(2) If the Council so resolve the water rates and charges shall notwithstanding anything in the Waterworks Clauses Act 1847 be payable in advance by half-yearly instalments in

respect of the half-years commencing on the first day of April and the first day of October but no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the first day of the half-year in respect of which it has been demanded.

(3) While such a resolution is in operation if the person who is or who but for the provisions of the section of this Act of which the marginal note is "Rates payable by owners of small houses" would be liable to pay the water rate or charges in respect of any premises is in occupation of those premises during a portion only of a half-year he or as the case may be the owner of the premises shall be liable to pay so much only of the half-yearly instalment as bears to the whole instalment the same proportion as the number of days within the half-year during which the first-mentioned person is in occupation bears to the number of days in the half-year and if either of them has paid any greater proportion of the instalment he shall be entitled to recover the excess from the Council except in so far as he has previously recovered it from an incoming occupier:

Provided that nothing in this subsection shall exempt the owner of any premises from liability in respect of any subsequent portion of the half-year during which the premises may again become occupied.

(4) Subject to the provisions of the last preceding subsection—

(a) where the Council commence to give a supply of water to any premises either for the first time or after a discontinuance of supply the then current instalment of the water rate shall become payable on the day on which notice requiring the supply is given to the Council or if no such notice is given on the day when they commence to give the supply; and

(b) the liability of a person to pay an instalment of a water rate shall not be affected by the fact that before the end of the period in respect of which the instalment became payable by him he or his tenant as the case may be removes from the premises in question or causes the supply of water thereto to be discontinued.

(5) Nothing in this section affects any right of the Council to make a minimum charge in respect of water rates.

69.—(1) Where in consequence of a proposal under section 37 of the Rating and Valuation Act 1925 an amendment is made in the valuation list for the time being in force the amendment shall for the purpose of calculating the amount

Effect on
water rate of
alterations in
valuation list.

PART V.
—cont.

(2) In this section the expression " service pipe " has the same meaning as in Part IV of this Act.

As to register
of meters.

76. If a meter or other instrument for measuring water on being tested is proved to register incorrectly to any material degree—

- (a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the Council unless it is proved to have begun to register incorrectly on some later date; and
- (b) the amount of any refund to be made to or of any extra payment to be made by the consumer shall be paid or allowed by the Council or paid by the consumer as the case may be and in the case of an extra payment may be recovered in the like manner as water rates rents and charges are recoverable by the Council.

Byelaws for
testing and
stamping of
fittings.

77.—(1) The power of making byelaws conferred by section 29 (Byelaws for preventing waste &c. of water) of the Ebbw Vale Water Act 1904 shall be extended to enable the Council to make byelaws as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Any person who shall forge or counterfeit any stamp or mark used by the Council or by the authority of the Council for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

(3) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any valves or other apparatus used on any premises (not being or being used as a hotel or house) belonging to and forming part of the railway of a railway company so long as such valves or other apparatus do not cause waste undue consumption misuse or contamination of water which is supplied by the Council.

PART VI.

FINANCIAL PROVISIONS.

Power to
borrow.

78.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow

without the consent of any sanctioning authority for and in connection with 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 such periods as the Council may determine not exceeding the respective periods mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements for the works authorised by this Act.	£2,000	Fifty years from the date or dates of borrowing.
(b) The construction of the Claisfer reservoir.	£128,000	Fifty years from the date or dates of borrowing.
(c) The construction of the works authorised by this Act other than the Claisfer reservoir.	£39,000	Forty years from the date or dates of borrowing.
(d) The enlargement of the existing filters at the Llangynidr and Carno reservoirs.	£13,000	Forty years from the date or dates of borrowing.
(e) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX:

Provided that notwithstanding anything contained in section 212 of the Local Government Act 1933 the Council shall not be bound to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (a) (b) and (c) mentioned in subsection (1) of this section until the expiration of five years from the time of borrowing the same or the completion of the works in respect of which the moneys are borrowed whichever of those events shall first happen.

79. Sections 213 and 214 of the Local Government Act 1933 shall apply with respect to any sinking fund formed by the Council for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this

Application of Local Government Act 1933 to existing sinking funds of Council.

PART VI.
—cont.

Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Council shall make such adjustments of any existing sinking funds as may be proper.

Receipts in
case of minors.

80. If any money is payable to a stockholder being a minor the receipt of his guardian shall be a sufficient discharge to the Council.

Closing of
registers.

81.—(1) The Council may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter period next before the date on which interest on the authorised securities to which such transfer book or register relates is payable.

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon.

Receipts and
expenses.

82.—(1) Notwithstanding anything contained in any other Act or Order all moneys received by the Council whether on capital or revenue account including (but without prejudice to the generality of this provision)—

(a) all money received on account of the revenue of any of the undertakings of the Council; and

(b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation capital reserve contingency consolidated loans fund or other similar fund (including any interest payable to any such fund or any other fund in pursuance of section 33 (Power to use sinking fund instead of borrowing) of the Ebbw Vale Water Act 1913);

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Council in respect of any of the said undertakings or in carrying into execution the powers and provisions of this or any other Act (including interest on moneys borrowed by the Council and all sums required by law to be paid or transferred or which the Council may determine to pay or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund:

Provided that in the accounts of the Council an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any

prescribed limit on the amount thereof) be credited to the fund on the investments of which the same is received.

PART VI:
—cont.

(2) Nothing in this section shall authorise the Council to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

83.—(1) The Council shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Council as from time to time existing from which revenue is derived (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the last preceding section of this Act authorised in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

Accounts of
undertakings.

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Council for the purposes of or connected with the undertaking or used for those purposes in pursuance of section 33. (Power to use sinking fund instead of borrowing) of the Ebbw Vale Water Act 1913;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) paid to any reserve fund which the Council are from time to time authorised to maintain; and
- (f) any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is "Application of revenue of undertakings" other than the purpose mentioned in paragraph (e) of this subsection.

(2) The Council shall show in their accounts relating to any undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

PART VI.
—cont.

(3) In all cases in which the Council keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Application
of revenue
of under-
takings.

84.—(1) If in respect of any year the moneys received by the Council on account of the revenue of any of the undertakings of the Council (including the interest and other annual proceeds received by the Council in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the moneys expended or applied by the Council in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section the Council may in respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) In the renewal and (subject in the case of the electricity undertaking of the Council to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve fund in respect of any of the undertakings of the Council by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used in any other manner authorised by this Act) investing the same in statutory securities until the fund so formed amounts in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Council on that undertaking and in the case of other undertakings to the maximum reserve fund from time to time prescribed by the Council.

(2) Any reserve fund which has been provided in respect of any undertaking of the Council and which is in existence on the first day of April one thousand nine hundred and forty-one shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Council from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of that undertaking; or
- (c) (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

85.—(1) In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that subsection set out in the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenue of undertakings") shall apply with respect to the electricity undertaking (namely):—

Surplus
electricity
revenue.
62 & 63 Vict.
c. 19.
16 & 17 Geo. 5.
c. 51.

If in respect of any year the moneys received by the Council on account of the revenue of the undertaking (including the interest and annual proceeds received by the Council in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended in respect of the undertaking for the several purposes mentioned in paragraphs (a) to (f) of subsection (1) of the section of this Act of which the marginal note is "Accounts of undertakings" then—

- (a) if the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure for

PART VI.
—cont.

the time being upon the undertaking the charges for electricity supplied by the Council shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) if the said reserve fund amounts to more than one-twentieth of the said aggregate capital expenditure the Council shall fix such amount as they may think fit (not being less in any case in which the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between that sum and the said excess) and the charges for electricity supplied by the Council shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

(2) The Council shall in every year so long as any reserve fund provided in respect of the electricity undertaking is less than the prescribed maximum transfer to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Council in respect of all investments forming part of the said reserve fund and carried to the general rate fund.

Date of
operation of
certain
sections and
repeal.

86.—(1) The four last preceding sections of this Act shall be deemed to have come into operation on the first day of April one thousand nine hundred and forty-one.

(2) As from the said date the following enactments so far as the same are still in force shall be repealed (that is to say):—

Ebbw Vale Improvement Act 1903—

Section 127 (Expenses of executing Act);

Ebbw Vale Water Act 1904—

Section 47 (Application of water revenue);

Section 48 (Provision in case of deficiency of water revenue);

Ebbw Vale Urban District Council Act 1917—

Section 30 (Further power as to net revenue &c.);

Section 31 (As to expenses and receipts);

Section 94 (Expenses of executing Act).

As to
recovery of
sums due for
fittings &c.

87. If the Council commence proceedings against any consumer for the summary recovery of any sum due for a supply of water or electricity any other sum due or payable to the Council by the same consumer in respect of the sale or hire of

any apparatus or fittings supplied or provided by them for or in connection with the consumption or use of water or electricity or in respect of the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily as a civil debt together with the sum due for the supply of water or electricity provided that the sum so included as aforesaid does not exceed twenty pounds in any one summons.

PART VI.
—cont.

88. If a justice is satisfied on complaint by any officer of the Council duly authorised that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate or any water rate or any water or electricity charge which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein to seize forthwith and detain the goods and chattels of the offender until the complaint is determined upon the return of the summons.

Recovery of
rate &c. from
persons
removing.

89. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the water or electricity undertakings.

Service of
demand notes.

90. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts 1939 and 1940 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

Restriction on
borrowing.2 & 3 Geo. 6.
c. 62.
3 & 4 Geo. 6.
c. 20.

PART VII.

MISCELLANEOUS.

91.—(1) If the urban district council of Tredegar (in this section referred to as "the Tredegar Council") shall not later than in the second available session of Parliament next after the termination of the war period make application for statutory powers enabling them to purchase so much of the water undertaking as is situate within the urban district of Tredegar (except any mains pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of supply) and to supply water within the portion of the said urban district within the limits of supply (in this section referred to as "the Tredegar area") and shall bona

As to
purchase of
portion of
Council's
water
undertaking
by Tredegar
Urban
District
Council.

PART VII.
—cont.

vide promote such application the Council shall not oppose the same except in so far as they may deem necessary in order to secure the insertion therein of provisions in accordance with this section to protect their interests with respect to the sale and purchase provided for by this section.

(2) If the Tredegar Council obtain such powers as aforesaid they shall as from the twenty-ninth day of September next after the date on which the same shall have been obtained (in this section referred to as "the date of transfer") purchase and the Council shall sell and transfer to the Tredegar Council the said portion of the water undertaking upon terms of the Tredegar Council paying to the Council the fair value of the same as at the date of transfer exclusive of any compensation for compulsory sale and such value shall failing agreement be determined in accordance with the Arbitration Acts 1889 to 1934 by an arbitrator to be appointed failing agreement by the Minister. Provided that in determining the said value the arbitrator shall not take into consideration any increase of water rates rents and charges authorised by this Act or any powers rights or advantages conferred on the Council by or resulting from the passing of this Act or make any allowance for prospective profits.

(3) From and after the date upon which such sale and purchase takes effect all obligations of the Council for the supply of water or otherwise in respect of the Tredegar area shall cease and determine and that area shall be deemed to be excluded from the limits of supply but notwithstanding anything in this section the Council shall have and may exercise within the Tredegar area the like powers with respect to the breaking up of streets for the purpose of laying maintaining renewing and repairing pipes required for the supply of water outside the Tredegar area as they would have if the Tredegar area were within the limits of supply.

Confirmation
of byelaws.

92. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be the Minister.

Inquiries by
Minister.

93. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

Breach of
conditions of
consent of
Council.

94. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are

authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

PART VII.
—cont.

95. When any compensation costs damages or expenses is or are by this Act or by any local Act or Order for the time being in force in the district 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 by subsection (2) of section 278 of the Public Health Act 1936.

Compensation
how to be
determined.

96. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act or any local Act or Order for the time being in force in the district mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Damages and
charges to be
settled by
court.

97. The following sections of the Public Health Act 1936 shall extend and apply in relation to this Act and to any local Act or Order for the time being in force in the district as if such sections were re-enacted in this Act and in terms made applicable thereto:—

Application of
provisions of
Public Health
Act 1936.

Section 275 (Power to local authority to execute certain work on behalf of owners or occupiers);

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions);

Section 293 (Recovery of expenses &c.);

Section 296 (Summary proceedings for offences);

Section 297 (Continuing offences and penalties);

Section 299 (Inclusion of several sums in one complaint);

Section 304 (Judges and justices not to be disqualified by liability to rates);

Section 328 (Powers of Act to be cumulative).

98. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any Act or Order relating to the water undertaking as if the same were re-enacted therein.

Application of
section 265 of
Public Health
Act 1875.
38 & 39 Vict.
c. 55.

PART VII.
—cont.
Repeal.

99. The following enactments are hereby repealed:—

Ebbw Vale Improvement Act 1903—

- Section 20 (Power to retain sell &c. lands);
- Section 119 (Provisions as to mortgages);
- Section 121 (Mode of payment off of money borrowed);
- Section 122 (Sinking fund);
- Section 126 (Return respecting sinking fund to Local Government Board):

Ebbw Vale Water Act 1904—

- Section 16 (Power to retain sell &c. lands);
- Section 19 (Power to hold lands for protection of waterworks);
- Section 25 (Rates payable by owners of small houses);
- Section 26 (Supply to houses partly used for trade &c.);
- The second proviso to section 30 (Supply of water for other than domestic purposes and by measure);
- Section 32 (Notice to Council of connecting or disconnecting meters);
- Section 38 (Provisions as to mortgages);
- Section 41 (Sinking fund);
- Section 45 (Return respecting sinking fund to Local Government Board):

Ebbw Vale Water Act 1913—

- Section 14 (Power to retain sell &c. lands);
- Section 17 (Power to hold lands for protection of waterworks);
- Section 30 (Sinking fund);
- Section 31 (Power to re-borrow);
- Section 36 (Return respecting sinking fund to Local Government Board):

Ebbw Vale Urban District Council Act 1917—

- Section 6 (Amendment of sections 26 and 30 of Act of 1904);
- Section 7 (As to supply to farmhouses);
- Section 8 (Supply of water by hose-pipe to stables &c.):

Ebbw Vale Urban District Council Act 1920—

- Section 11 (Rate of accumulation of annual payments to sinking fund for repayment of loans).

100. Any question or difference which pursuant to this Act is to be settled by arbitration (other than a question or difference to which the provisions of the Lands Clauses Acts apply and except as otherwise provided by this Act) shall be referred to and determined by a single arbitrator to be agreed upon between the parties to the question or difference or in default of such agreement appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference or determination.

PART VII.
—cont.
Arbitration.

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

Saving for
indictments
&c.

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

Crown rights.

103. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the general rate fund and the general rate of the district or out of moneys to be borrowed under this Act for that purpose.

Costs of Act.

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