

CHAPTER ci.

An Act to authorise the Local Board for the district of A.D. 1893.
Pontypridd in the county of Glamorgan to purchase the
undertaking of the Pontypridd Gaslight and Coke
Company and for other purposes. [29th June 1893.]

WHEREAS the Local Board for the district of Pontypridd in
the county of Glamorgan (in this Act called "the Local
Board") is the urban sanitary authority for that district under the
Public Health Act 1875 :

And whereas by the Pontypridd Gas Act 1850 the Pontypridd
Gaslight and Coke Company (in this Act called "the Company")
were incorporated with a share capital of six thousand pounds and
power to borrow three thousand pounds and with powers to supply
gas within the limits of that Act (in this Act called "the Act of
1850") which include the town of Pontypridd and parts of the
several parishes of Eglwysilan Lantwitfardre Lantrissent and
Llanwonno in the county of Glamorgan :

And whereas the Company are now supplying gas within those
limits under the powers of the Act of 1850 except a small portion
thereof in the said parish of Llanwonno which is now comprised in
and forms part of the urban sanitary district of the local board of
Mountain Ash :

And whereas the total share capital of the Company is six thousand
pounds divided into six hundred shares of ten pounds each and the
whole of that capital has been fully paid up and the Company have
created and issued irredeemable debenture stock amounting to three
thousand pounds and bearing interest at the rate of seven pounds
ten shillings per centum per annum :

And whereas the Company hold on lease the lands described in
Part I. of the First Schedule to this Act and have erected gasworks
thereon and have for some years past supplied gas in the district of
the Local Board and in certain portions of the parishes aforesaid
within their said limits of supply :

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And whereas it would be of advantage to the district of the Local Board and the neighbourhood thereof if the undertaking of the Company were transferred to and vested in the Local Board :

And whereas the Local Board and the Company have entered into an agreement (in this Act referred to as " the scheduled agreement ") a copy whereof is set forth in the Second Schedule to this Act for such transfer and vesting and it is expedient that the scheduled agreement be confirmed and that provisions such as are in this Act contained be made for the winding up and dissolution of the Company :

And whereas the holders of the said irredeemable debenture stock have consented to the redemption and cancelment thereof as hereinafter provided :

And whereas the said existing works of the Company are not conveniently situated or well adapted to meet the present and increasing demand for gas within the district of the Local Board and it is expedient that the Local Board should be empowered to acquire the additional lands described in Part II. of the First Schedule to this Act and as well on those lands as on the lands now held by the Company to construct maintain extend and enlarge gasworks :

And whereas by an order of the county council of Glamorgan dated the twenty-sixth day of November one thousand eight hundred and ninety-one the area of the district of the Local Board has been extended and it is expedient that the Local Board should be empowered to supply gas within the whole of their district as extended as well as within the existing limits of supply of the Company :

And whereas it is expedient that the Local Board should be authorised to borrow and expend the moneys necessary for the purchase of the works and undertaking of the Company and for the other purposes of this Act and an estimate has been prepared by the Local Board showing that in addition to the sum of thirty-five thousand pounds required for the purchase of the said works and undertaking they will require to borrow for the improvement of the existing works and extension of mains and services to the extended limits by this Act authorised and for new works and for the purchase of lands sixty thousand pounds :

And whereas the purposes included in such estimate are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the thirtieth day of November one thousand eight hundred and ninety-two after ten clear days notice

by public advertisement of such meeting and of the purposes thereof in the South Wales Daily News a local newspaper published or circulating in the district of the Local Board such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged on the general district rate of the Local Board:

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And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Local Board at a further special meeting held in pursuance of a similar notice on the thirteenth day of January one thousand eight hundred and ninety-three being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the said district by resolution in the manner provided in the Third Schedule to the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas a plan of the lands which may be taken compulsorily under the powers of this Act and a book of reference to such plan containing the names of the owners or lessees or reputed owners or lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Glamorgan and are hereinafter respectively referred to as the deposited plan and book of reference:

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

1. This Act may for all purposes be cited as the *Pontypridd Local Board (Gas) Act 1893.* Short title.

2. In this Act the term "undertaking" or "the gas undertaking" in relation to the Company means the property and undertaking of the Company as defined in the scheduled agreement subject to all contracts debts obligations and liabilities affecting the same (except the said irredeemable debenture stock) transferred to and vested in and to be managed and carried on by the Local Board under and by virtue of this Act: Interpretation of terms.

The term "the transfer" means the transfer to and the vesting in the Local Board of the said undertaking of the Company subject as aforesaid:

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Terms to which meanings are assigned in enactments incorporated with this Act or in the Public Health Acts or which have therein special meanings have in this Act the same respective meanings and in this Act and (for the purposes of this Act) in enactments incorporated with this Act the term "superior courts" or "court of competent jurisdiction" or any other like term shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Incorporation of general Acts.

3. The Lands Clauses Acts the Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit) are (save where expressly excepted or varied by this Act) incorporated with and form part of this Act and the Gasworks Clauses Act 1871 (except section 7 relating to shareholders and section 35 accounts &c.) shall apply to the gas undertaking of the Local Board.

Act to be executed by the Local Board.

4. This Act shall be carried into execution by the Local Board according to the Public Health Act 1875.

Limits of Act.

5. The limits of this Act for the supply of gas shall be the district of the Local Board as extended by the order of the county council of Glamorgan dated the twenty-sixth day of November one thousand eight hundred and ninety-one and the limits of supply of the Company as defined by section 5 of the Act of 1850 except so much of those limits as are now within the urban sanitary district of the local board of Mountain Ash.

Confirmation of scheduled agreement.

6. The scheduled agreement is hereby confirmed and made binding upon the Local Board and the Company shall sell to the Local Board and the Local Board shall purchase the undertaking for such consideration to be paid at such time and in such manner and generally on such terms as are in the scheduled agreement set forth.

Transfer of undertaking to be by deed.

7. The sale of the undertaking shall be carried into effect by a deed duly stamped and truly stating the consideration which deed may be in the form set forth in the Third Schedule to this Act or to the like effect with such variations and additions as circumstances require and on the execution of that deed by the Company the undertaking shall by virtue of that deed and of this Act become and shall thenceforth be transferred to and vested in the Local Board subject and according to the provisions of this Act and free as between the Company and the Local Board from all contracts obligations debts and liabilities and incumbrances affecting the same entered into or incurred on or prior to the thirtieth day of June one thousand eight hundred and ninety-two including the said irredeemable debenture

stock and thenceforth the Local Board shall have and hold the undertaking. A.D. 1893.

The deed of conveyance shall within three months from its date be produced duly stamped to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of the deed shall be recoverable from the Local Board with full costs of suit and all costs and charges attending the same.

8. The receipt in writing of three of the directors of the Company for the purchase money or any other sum to be paid to them by the Local Board shall effectually discharge the Local Board from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof. Receipt for purchase money.

9. The Company shall hold the purchase money when paid and all other money for the time being belonging to them on trust to pay and discharge thereout all their debts and liabilities including the said irredeemable debenture stock which shall be redeemed as hereinafter provided and to distribute the residue among the shareholders of the Company in proportion to their respective shares in the undertaking and the directors of the Company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for paying and discharging such debts and liabilities and distributing the purchase money and assets and winding up the affairs of the Company. If however the number of the directors of the Company be reduced by death resignation or otherwise below four before the completion of such winding up the continuing directors shall from time to time choose a member or members of the Company to fill the vacancy or vacancies so caused. Application of purchase money.

10. Upon the completion of the sale of the undertaking to the Local Board the whole of the said irredeemable debenture stock shall be held to be cancelled and discharged and all certificates for such stock issued by the Company shall be null and void and all persons who upon the completion of the said sale were holders of the said stock shall be creditors of the Company and shall be entitled to rank as such to the extent of (first) the par value of their stock (second) the interest on the said par value at the rate of seven pounds ten shillings per cent. per annum from the date to which such interest was last paid till payment of the principal and (third) a proportion corresponding to the amount of stock held by them of such sum as may be agreed upon between the holders of the said stock and the directors as representing the Cancelment of debenture stock.

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shareholders of the Company as the premium to be paid to and apportioned among the holders of the said stock in respect of the cancelment of the same but no interest shall accrue upon the said premium. Provided that in the event of the said parties being unable to agree the amount of such premium the same shall be settled by arbitration according to the provisions of the Arbitration Act 1889.

Company's books evidence as to shareholders.

11. The persons who at the date of the transfer appear in the books of the Company to be proprietors of shares in the capital of the Company and holders of debenture stock shall unless the contrary is proved to the satisfaction of the directors thereof be considered to be shareholders thereof and holders of debenture stock for the purposes of the distribution of the Company's assets.

Receipts of executors of shareholders to be discharged.

12. The receipt of the trustee guardian executors or administrators of a shareholder in the Company or holder of debenture stock shall be an effectual discharge to the Company and to the directors thereof for so much money as is therein expressed to be received and shall exonerate them from any obligation affecting the shares or debenture stock in respect of which such money is paid.

Payment into court by directors.

13. Where the directors of the Company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money of the undertaking or other assets of the Company is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given the directors may pay the same into the High Court or if not exceeding five hundred pounds into the county court of Glamorgan holden at Pontypridd under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the Company and directors from all further liability with respect to the moneys so paid.

Company's debts to be paid.

14. All debts rents charges and sums of money which on the first day of July one thousand eight hundred and ninety-two were due or owing to or from the Company shall be paid discharged settled and satisfied as if this Act had not been passed and all debts rents charges and sums of money subsequently accrued due or owing shall except as otherwise provided by the scheduled agreement be paid discharged settled and satisfied by the Local Board.

Pending actions &c. against the Company.

15. If at the time of the transfer any action suit or cause of action suit or proceeding is pending or existing against the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of any

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thing in this Act but the same may be continued prosecuted and enforced against the Local Board as and when it might have been continued prosecuted and enforced against the Company if this Act had not been passed but not further or otherwise but without prejudice nevertheless to any remedy against the Company under any security or indemnity given by the Company to the Local Board. A.D. 1893.

16. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the time of the transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Local Board and may be enforced as fully and effectually as if instead of the Company the Local Board had been a party thereto. Contracts of Company to be binding on Local Board.

17. When and so soon as the said purchase money shall have been appropriated and divided in manner herein-before directed the directors of the Company may exercise all powers necessary for winding up the affairs of the Company and when and as soon as their affairs have been wound up and all their debts and liabilities paid and satisfied the Company shall be by virtue of this Act actually dissolved. Winding up and dissolution of Company.

18. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Company shall be admitted in evidence in respect of the same and the like matter for or against the Local Board. Books &c. to remain evidence.

19. From and after the transfer all the powers rights privileges and authorities of the Company in relation to their undertaking shall be by virtue of this Act transferred to and vested in the Local Board and the Act of 1850 shall be read and have effect as if the Local Board were therein named instead of the Company subject to the following exceptions and provisions:— Application of Act of 1850 to Local Board.

(1.) The provisions of the Companies Clauses Consolidation Act 1845 incorporated with that Act shall not apply to the Local Board:

(2.) The provisions of that Act and of the Acts incorporated therewith relating to the constitution of the Company and to meetings of directors and to share or loan capital and to dividends and limitation on and application of the profits of the Company and to the accounts of the Company shall not apply to the Local Board:

(3.) Penalties imposed by those Acts shall not be cumulative as regards the Local Board.

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Power to
borrow.

20. The Local Board may from time to time borrow at interest on the security of the district fund and the general district rate and of the revenue of their gas undertaking as follows (that is to say) :—

For the purpose of paying the costs of this Act as herein-after defined the sum requisite for that purpose :

For the purpose of acquiring the works and undertaking of the Company the sum of thirty-five thousand pounds and any further sum which shall be payable by the Local Board to the Company under the provisions of this Act and the scheduled agreement :

For the purpose of the purchase of land and the construction of the gasworks by this Act authorised being permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875 such sum or sums of money as the Local Board from time to time think requisite not exceeding the sum of sixty thousand pounds :

And may mortgage their district fund and the general district rate and the revenue of their gas undertaking either together or separately as a security for the repayment of the moneys so borrowed with interest accordingly Provided always that the power of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum the Local Board may borrow under the Public Health Act 1875 or any other enactment any sums they may borrow under this Act shall not be reckoned.

Power to
borrow
under Local
Loans Act
1875.

21.—(1.) The Local Board if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

(2.) Any moneys borrowed in manner by this section authorised shall be a charge on the district fund and general district rate and the revenue of the gas undertaking or some or one of them and such fund rate and revenue shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

(3.) Every such loan shall be discharged within the prescribed period.

(4.) Any sinking fund set apart under this section for the repayment of moneys borrowed shall be invested in the same manner as sinking funds are by this Act required to be invested.

22. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say):—

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Provisions
as to mort-
gages.

Section 236.—Form of mortgage;

Section 237.—Register of mortgages;

Section 238.—Transfer of mortgages; and

Section 239.—Receiver may be appointed in certain cases.

23. The Local Board shall except when otherwise expressly provided pay off all moneys borrowed by them under the powers of this Act as regards money borrowed to defray the costs charges and expenses preliminary to and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto within a period of ten years from the time of borrowing and as regards money borrowed for the purchase of the undertaking the purchase of lands and for the additions and extensions by this Act authorised within forty years from the time of borrowing which said respective periods are in this Act referred to as the prescribed period.

Repayment
of borrowed
moneys.

Such payment off shall be made—

(1.) Either by equal yearly or half-yearly instalments of principal or of principal and interest combined:

(2.) Or by a sinking fund to be annually set apart and accumulated at compound interest and to be applied and invested in manner herein-after prescribed. The annual sums to be so set apart shall be such equal annual sums as with the accumulations thereof at compound interest at a rate not exceeding three pounds per centum per annum will be sufficient to pay off the said principal sums within the prescribed period.

24. The Local Board may from time to time apply the whole or any part of the sinking fund in or towards the discharge of the principal moneys for the discharge of which such fund has been established. Provided that they pay in such year into the fund and accumulate until the whole of the principal moneys in respect of which the fund has been established shall have been discharged a sum equivalent to the interest of the fund or part of the fund so applied at a rate not exceeding three pounds per centum per annum. Provided also that when the amount standing to the credit of the sinking fund shall be equal to the amount of the loans outstanding for the repayment of which it was set aside the Local Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such period discontinue the payment to the sinking fund of the yearly sums by this Act required to be paid thereto.

Application
of sinking
fund.

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Sinking fund
how to be
invested.

25. All sums paid into the sinking fund under the provisions of this Act and the dividends interest and annual income thereof shall be as soon as may be invested in any manner in which trustees are by law for the time being authorised to invest trust moneys or in any mortgages debentures debenture stock or other securities (not being annuities or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Local Board. And if and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any deficiency shall be made good out of the respective funds or rates which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any such excess may be applied as part of such equal annual payments.

Power to
re-borrow.

26. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by instalments or appropriations or by annual repayments or by means of a sinking fund or out of the proceeds of the sale of lands or other moneys received on capital account other than borrowed moneys they may re-borrow the same and so from time to time :

Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and that the moneys originally borrowed and any amounts from time to time re-borrowed shall be deemed to form the same loan and the obligations of the Local Board with respect to the repayment of such moneys shall not be in any way affected by reason of such re-borrowing.

Local Board
not to regard
trusts.

27. The Local Board shall not be bound to see to the execution of any trust whether express or implied or constructive to which any mortgage granted by them may be subject and the receipt of the party in whose name any such mortgage stands in the register of mortgages of the Local Board shall from time to time be a sufficient discharge to the Local Board in respect thereof notwithstanding any trusts to which such mortgage may be subject and whether or not the Local Board have had express or implied notice of any such trust or any charge or incumbrance upon or transfer of such mortgage or interest thereon not entered in their register and the Local Board shall not be bound to see to the application of the money for which such receipt shall have been given or be answerable or accountable for any loss misapplication or non-application of any such money.

28. A person lending money to the Local Board shall not be bound to inquire as to the observance by the Local Board of any provision of this Act or of the Public Health Act 1875 or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

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Protection
of lenders
from inquiry.

29. All mortgages granted by the Local Board subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act.

Priority of
existing
mortgages.

30. The Local Board shall keep accounts in respect of their gas undertaking separate from all their other accounts and shall apply all money from time to time received by them in respect of the gas undertaking except borrowed money and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

Application
of revenue.

(1.) In payment of their costs charges and expenses of and incidental to the collecting and recovering of gas rents and rates and of the borrowing of money under this Act:

(2.) In payment of the working and establishment expenses and cost of maintenance of their gas undertaking:

(3.) In providing the moneys required to pay the interest on moneys borrowed by them under this Act:

(4.) In providing the requisite instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act:

(5.) In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in such securities as they are for the time being authorised to invest their sinking fund in and accumulating the same at compound interest until the fund so formed amounts to three thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Local Board from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Local Board in respect of that undertaking or to the improving and extending their gas undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of three thousand pounds and so from time to time as often as such reduction happens:

And the Local Board shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Local Board not be required for carrying on their gas undertaking

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A.D. 1893. — and paying the current expenses connected therewith and the annual proceeds of the reserve fund when amounting to three thousand pounds..

Audit of accounts.

31. The two hundred and forty-fifth section the two hundred and forty-seventh section (except so much thereof as is repealed by the District Auditors Act 1879) and the two hundred and forty-ninth and the two hundred and fiftieth sections of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Local Board under this Act and to the audit of such accounts.

Application of money borrowed.

32. All moneys borrowed by the Local Board under this Act shall be applied to the several purposes of this Act in respect of which the same were respectively borrowed and to which capital is properly applicable and not otherwise.

Annual return to Local Government Board with respect to sinking fund.

33. The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that sinking fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government

Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments. A.D. 1893.

34. Subject to the provisions and for the purposes of this Act the Local Board may after the transfer purchase enter upon take and use for the manufacture and storage of gas and residual products or for any purposes of this Act all or any of the lands shown on the deposited plan and described in the deposited book of reference and in Part II. of the First Schedule to this Act in addition to the lands described in Part I. of the said schedule to be assigned and transferred to the Local Board by virtue of this Act and the scheduled agreement and upon the purchase or acquisition by the Local Board of the lands described in Part II. of the said schedule or any part thereof they may stop up and close as to its present course and divert into a new course as shown on the deposited plan a portion of a certain footpath passing through the said lands in the parish of Eglwysilan in the district of the Local Board in the county of Glamorgan leading to the spring or well situate on the western boundary of the said lands Provided that the existing footpath shall not be closed until the diversion thereof is completed to the satisfaction of two justices and opened to the public.

Power for purchase of lands and closing of footpath.

35. The powers of the Local Board for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

36. The Local Board shall not under the powers of this Act take ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied :

Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

37. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Local Board may after ten days notice to the owners lessees and occupiers of the lands in question apply to two justices for the

Errors and omissions in plan &c. to be corrected by justices who shall certify the same.

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correction thereof and if it appear to such justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Glamorgan and a duplicate thereof shall also be deposited with the parish clerk of the parish of Eglwysilan and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerk along with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and the Local Board may take the lands and make the works by this Act authorised in accordance with such certificate.

Power to purchase lands by agreement.

38. In addition to the lands described in the First Schedule to this Act the Local Board may from time to time purchase by agreement and may hold for any of the purposes of this Act any lands within the limits of this Act not exceeding in the whole at any one time two acres but the Local Board shall not create or permit a nuisance on any such lands and no lands shall be used by the Local Board for the manufacture of gas or residual products except the lands described in the First Schedule to this Act.

Application of moneys from sales &c. of lands.

39. The Local Board shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises acquired by them under the powers of this Act or by way of fine or premium on any lease of any such lands or premises in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Local Board and any such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Power to take easements &c. by agreement.

40. 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 Local Board any easement right or privilege (not being an easement right or privilege of water) required for the purposes of this Act in 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.

41. Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Local Board may from time to time let sell exchange and dispose of any lands together with any buildings or erections thereon which they may not for the time being require for the purposes of their undertaking.

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Local Board may sell &c. lands not required.

42. In the case of lands acquired by compulsion the prescribed period within the meaning of section 127 of the Lands Clauses Consolidation Act 1845 shall be six years from the passing of this Act.

Limit of time for sale of superfluous lands.

43. From and after the transfer and subject to the provisions of this Act the Local Board may from time to time maintain alter improve enlarge extend and renew or discontinue the existing gasworks of the Company upon the lands described in Part I. of the First Schedule to this Act and they may also upon the other lands described in Part II. of the said schedule when they shall have acquired such last-mentioned lands erect lay down provide and from time to time maintain alter improve enlarge extend renew or discontinue additional and other gasworks retorts gasholders condensers purifiers drains sewers mains pipes meters lamps lamp-posts burners machinery and other works apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture sell and provide and supply let or hire and deal in coke tar pitch asphaltum ammoniacal liquor lime and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes stoves appliances for the lighting warming or ventilating of houses and buildings or for motive power gas cooking apparatus and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit.

Power to maintain gasworks and deal in residual products &c.

44. The Local Board may take hold and use patent rights or licenses or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture conversion utilisation or distribution of gas and of such materials and residual products as herein-before mentioned.

Power to hold licenses under letters patent.

45. The Local Board may supply gas in bulk to any corporation local board trustees surveyors or other local or sanitary authority bodies companies person or persons whatever within the gas limits upon such terms and conditions as may be agreed upon.

Supply of gas in bulk &c.

46. The Local Board may from time to time contract with any local authority company corporation public body officers or persons for the supply of gas to them respectively in bulk or otherwise

Power to supply gas by agreement outside

[Ch. ci.] *Pontypridd Local Board (Gas) Act, 1893.* [56 & 57 VICT.]

A.D. 1893. within any district adjoining the district of the Local Board on such terms and conditions and for such periods as shall be agreed upon. Provided that the local authority or company authorised to supply gas within such district consents to the Local Board contracting for such supply and that no contract shall be for a term exceeding three years.

Local Board when so required to sell pipes &c. outside the district.

47. At any time after the transfer the Local Board shall when so required by any other sanitary authority sell to that other sanitary authority all pipes fittings and other apparatus for or connected with the distribution of gas belonging to the Local Board and which shall at that time be laid or lie in the district of that sanitary authority (excepting all such pipes mains and other works required and used or that may be required and used for supplying and conveying gas into and for any other part of the area for the time being included within the limits of supply of the Local Board) at such price and upon and subject to such terms and conditions as may be settled by agreement between the Local Board and that sanitary authority or failing such agreement as may be determined by an arbitrator to be appointed for that purpose by the Local Government Board on the application of either party and after any such sale the powers of the Local Board to supply gas within the district of that sanitary authority shall cease.

Power to lay pipes for lighting buildings.

48. The Local Board may with the consent of the owner and occupier of any building lay any pipe branch or other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting the same and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue or remove any such pipe branch or apparatus.

Difference with railway and other companies.

49. If any difference arises between the Local Board and any railway canal or other company whose lands or works the Local Board have power to cross for the purpose of meeting the demands for gas within the limits of supply as to the mode of laying down repairing altering or enlarging their pipes or the facilities afforded for the same the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party and the costs of the reference shall be in his discretion.

Price of gas.

50. It shall not be lawful for the Local Board to demand and receive for gas supplied by them by meter any sum exceeding the sum of five shillings for every one thousand cubic feet of gas so supplied.

51. The Local Board may allow discounts or rebates not exceeding in any case twelve-and-a-half per centum to consumers of gas in consideration of prompt payment of gas rents or of large consumption upon such scale and subject to such conditions and regulations as may be prescribed by special contract in writing between the Local Board or their clerk or manager on their behalf and such consumer Provided that such discounts or rebates shall be of equal amount under like circumstances to all consumers.

A.D. 1893.
Rebates on
gas rents.

52. The quality of gas supplied by the Local Board shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles.

Quality of
gas.

53. All gas supplied by the Local Board to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place not being the immediate approach to any railway bridge or railway station vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Local Board of the time and place at which such testing shall be conducted.

Pressure of
gas.

54. The Local Board shall within six months after the transfer cause to be provided at their gasworks a testing place with apparatus according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing the gas shall be a Sugg's London Argand Number 1 with a six-inch by one-and-three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used.

Testing
place.

55. Any deficiency in the revenues and receipts of the Local Board on account of the gas undertaking to make any of the payments or provide any of the funds to which the moneys received by them in respect of the gas undertaking are applicable as aforesaid shall be from time to time made good out of the general district rate in such manner as the Local Board may from time to time determine.

As to
deficiency
in receipts.

A.D. 1893.

Local Board
to pay
interest on
deposit.

56. Where any money is deposited by any person by way of security with the Local Board for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Local Board shall pay interest at the rate of five pounds per centum per annum for every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to
refuse to
supply per-
sons in debt
for other
property.

57. If a person requiring a supply of gas has previously quitted premises at which gas was supplied to him by the Local Board without paying all gas or meter rents due from him the Local Board may refuse to furnish him a supply of gas until he pays the same.

Gas con-
sumers to
give notice to
Local Board
before
removing.

58. Twenty-four hours notice in writing shall be given to the Local Board by every gas consumer before he shall quit any premises supplied with gas by meter by the Local Board and in default of such notice the consumer so quitting shall be liable to pay to the Local Board the moneys accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises.

Authenti-
cation of
notices.

59. Where any summons, demand or other document (other than a conveyance contract or security) to be given by the Local Board requires authentication by the Local Board the signature thereof by the clerk of the Local Board shall be a sufficient authentication.

Contracts
for gas not
to disqualify.

60. No person shall be disqualified from being continuing or acting as a member of the Local Board by reason of his being concerned in any contract entered into by the Local Board for a supply of gas or other matters articles or things under this Act nor shall any mortgagee of the gas revenue be disqualified as a member of the Local Board by reason of his being a mortgagee but no member shall vote upon any question in which he is interested personally otherwise than as a consumer of the gas of the Local Board.

As to penal-
ties.

61. Penalties recovered by the Local Board under this Act shall belong to the Local Board and shall be paid to their treasurer and shall be applied in the manner herein-before provided with respect to moneys from time to time received by them in respect of the undertaking. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for that purpose this Act and the Acts incorporated wholly or in part herewith shall be deemed several Acts.

62. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act and the costs charges and expenses of and incidental to the transfer and the negotiating such transfer (including the costs incurred by the Local Board in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act) and all matters relating thereto such costs to be taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of the district fund or out of the money to be borrowed by the Local Board under this Act Provided always that it shall be lawful for the Local Board to pay all or any part of such costs charges and expenses in the first instance out of any moneys in their possession or under their control or to be received by them under this Act or the Public Health Act 1875 but in such case the Local Board shall as soon as practicable after the passing of this Act borrow and raise money under or in pursuance of this Act for the purpose of paying such costs charges and expenses and shall place or carry such money to the credit of the fund or moneys from which such costs charges and expenses shall have been paid in the first instance.

A.D. 1893.
Costs to be
paid by
Local Board.

A.D. 1893.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PART I.

LAND FORMING THE SITE OF THE COMPANY'S WORKS.

Certain lands now occupied by the existing gasworks and offices of the Company situate in the parish of Llanwonno and district of the Local Board in the county of Glamorgan and containing by admeasurement two thousand four hundred and twenty-two square yards or thereabouts and bounded on the northerly side by lands belonging or reputed to belong to Lord Tredegar on the southerly side as to part by the street known as Morgan's Court as to part by lands belonging or reputed to belong to the trustees of the will of Thomas Thomas deceased and to the devisees in trust of the will of Edward Llewellyn Thomas deceased as to part by the public road known as the Gas Road and as to the remaining part by lands belonging or reputed to belong to the said trustees of the will of Thomas Thomas deceased and the said devisees in trust of the will of Edward Llewellyn Thomas deceased on the easterly side by the River Taff and on the westerly side by lands belonging or reputed to belong to the said trustees of the will of Thomas Thomas deceased and the said devisees in trust of the will of Edward Llewellyn Thomas deceased.

PART II.

LAND TO BE ACQUIRED FOR NEW WORKS. •

Certain lands forming part of Gwernygerwn Farm in the parish of Eglwysilan in the county of Glamorgan belonging or reputed to belong to Lady Llanover containing by admeasurement four and a half acres or thereabouts and bounded on the northerly side as to part by other lands belonging to or reputed to belong to Lady Llanover as to part by an occupation road belonging or reputed to belong to the said Lady Llanover and as to the remaining part by a cottage and garden belonging or reputed to belong to the said Lady Llanover on the southerly side as to part by lands belonging or reputed to belong to Edward Rhys Wingfield and Harriet Diana Arabella Mary Mackintosh and as to the remaining part by lands belonging or reputed to belong to the trustees of the will of Thomas Thomas deceased and the devisees in trust of the will of Edward Llewellyn Thomas deceased on the easterly side by the Pontypridd Caerphilly and Newport Railway from Pontypridd to Newport and on the westerly side by the Glamorganshire Canal.

SECOND SCHEDULE.

A.D. 1893.

AGREEMENT made the fourth day of November one thousand eight hundred and ninety-two between the PONTYPRIDDD GASLIGHT AND COKE COMPANY herein referred to as the Company and the LOCAL BOARD for the PONTYPRIDD URBAN SANITARY DISTRICT herein referred to as the Local Board for the sale and purchase of the undertaking of the Company.

1. The Company hereby agree to sell and the Local Board hereby agree to purchase the undertaking of the Company at and for the price or sum of thirty-five thousand pounds subject to the following terms and conditions.

2. The undertaking shall be taken to include the site of the existing gas-works held under a certain indenture of lease dated the twenty-eighth day of September one thousand eight hundred and fifty-two and made between Thomas Thomas and the Reverend George Thomas therein respectively described of the one part and the Company of the other part whereby the said site containing by admeasurement two thousand four hundred and twenty-two square yards or thereabouts was demised to the Company for a term of ninety-nine years from the first day of July one thousand eight hundred and fifty at and under the yearly ground rent of twenty pounds three shillings and eight pence payable as therein mentioned and subject to the observance and performance of the lessees covenants and conditions therein contained the works and offices erected thereon and all the lands erections buildings rights powers privileges and easements belonging to the Company or any person in trust for them or to which the Company are in anywise entitled and all engines tanks mains pipes plant lamps lamp-irons retorts gauges meters syphons apparatus stock effects tools implements matters and things which have been purchased provided laid down erected or placed in any place or house within the limits of the Local Board or within the area supplied by the Company and which are the property of the Company and are being or have been used by them for or in connexion with the supply of gas up to and on the thirtieth day of June one thousand eight hundred and ninety-two. In addition to the purchase money before mentioned the Local Board shall pay to the Company the value at the cost price thereof of the coal stores and stock in trade of the Company as the same respectively existed on the first day of July one thousand eight hundred and ninety-two.

3. The Company shall within a reasonable time complete at their own expense and to the reasonable satisfaction of the engineer of the Local Board all those works which were being carried out under contract and which were not completed upon the thirtieth day of June one thousand eight hundred and ninety-two.

4. The purchase shall not include debts due to the Company or any money in their hands or in the hands of the treasurer or bankers of the

A.D. 1893.

Company at on or before the thirtieth day of June one thousand eight hundred and ninety-two or the balance of the Company's revenue account for the half year ending the thirtieth day of June one thousand eight hundred and ninety-two That balance shall be taken to include gas rates meter rents or other money due for gas supplied on or before that day but not collected on or before that day and if any such rates rents or other money shall be received by the Local Board the same shall forthwith be handed over to the Company.

5. The Company shall be liable for and shall pay and discharge all their debts and liabilities affecting or relating to their undertaking as at and up to the thirtieth day of June one thousand eight hundred and ninety-two and from and after the first day of July one thousand eight hundred and ninety two and until this agreement is confirmed by Act of Parliament the Company agree to carry on the business of the Company at the expense and risk of and for the benefit of the Local Board who shall be liable for and shall pay and discharge all debts and liabilities affecting or relating to the undertaking incurred on or after the said first day of July one thousand eight hundred and ninety-two save and except the debts and liabilities incurred on account of and relating to the above-mentioned works which were being carried on under contract and which were not completed upon the thirtieth day of June one thousand eight hundred and ninety-two and which the Company hereby agree to complete.

6. As and from the first day of July one thousand eight hundred and ninety-two and until this agreement shall be confirmed by Act of Parliament the Local Board shall upon such confirmation repay to the Company any further sums of money which may be expended by the Company in the purchase of land in the erection of new works and the cost of erecting such new works or enlarging existing works but provided always that the Local Board shall have approved of such expenditure.

7. Subject to this agreement being confirmed by Act of Parliament the purchase shall be completed and the purchase money paid on or before the twenty-ninth day of September one thousand eight hundred and ninety-three The Local Board shall as from the first day of July one thousand eight hundred and ninety-two pay to the Company interest at the rate of five pounds per centum per annum upon the said purchase money and any other sums that shall be payable by the Local Board to the Company under this agreement until the said twenty-ninth day of September one thousand eight hundred and ninety-three and if from any cause whatsoever the whole or any part of the said purchase money or any other sums that shall be payable should remain unpaid at that date the Local Board shall continue to pay to the Company the said rate of interest on so much thereof as shall from time to time remain unpaid without prejudice however to the rights of the Company to enforce specific performance of this agreement.

8. On payment to the Company of the said purchase money and all other moneys payable under this agreement together with all interest as aforesaid which may have become due on the same or any part thereof the Company and all other necessary parties shall execute all proper and reasonable conveyances and assignments of the undertaking and the Local Board shall

thereupon be let into possession of the undertaking and shall thenceforth assume and retain all rights privileges duties and powers of the Company. A.D. 1893.

9. All rights powers privileges and obligations of the Pontypridd Gas Act 1850 shall vest in and be exercised by the Local Board.

10. The Company shall within seven days from the date on which the Bill confirming this agreement shall receive the Royal Assent deliver an abstract of their title to the Local Board such title to commence with the said indenture of lease of the twenty-eighth day of September one thousand eight hundred and fifty-two the Local Board being deemed to have due notice of the contents of such indenture of lease and deduce a good title to the premises and the Company shall not be required to show any prior title nor the lessors title thereto or to grant such lease and the Local Board shall within fourteen days after the sending of the abstract deliver to the Company's solicitors a statement in writing of any objections and requisitions in respect of title or evidence of title or the abstract and if no objections and requisitions be so delivered the title shall be considered as accepted.

11. The Local Board shall pay to the Company any money expended and all costs charges and expenses whatsoever which shall be incurred by the Company in or about the negotiations for the said purchase and the completing this agreement and in or about the application to Parliament for a Bill to confirm this agreement and being separately represented for the purpose of protecting their interests and any other costs charges and expenses the Company may incur in or about this matter and the said Bill and shall be liable for and shall pay any debts or liabilities of the Company in connexion herewith and also in or about the deduction and verification of the title to the said lands and undertaking and also all the costs charges and expenses whatsoever of and incidental to the preparation perusal and execution of all conveyances and assurances whatsoever for the vesting of the same in the Local Board.

12. This agreement is made subject to confirmation and approval by the shareholders in the Company and subject to confirmation by Parliament and to such alterations as Parliament may think fit to make therein and the Local Board shall at their own expense in the next session of Parliament promote a Bill for confirming this agreement and for the dissolution and winding up of the Company And this agreement shall if Parliament thinks fit be scheduled to the Bill and confirmed by the same when passed into an Act but if Parliament think fit to make any material alteration in this agreement it shall be competent to either party to withdraw therefrom.

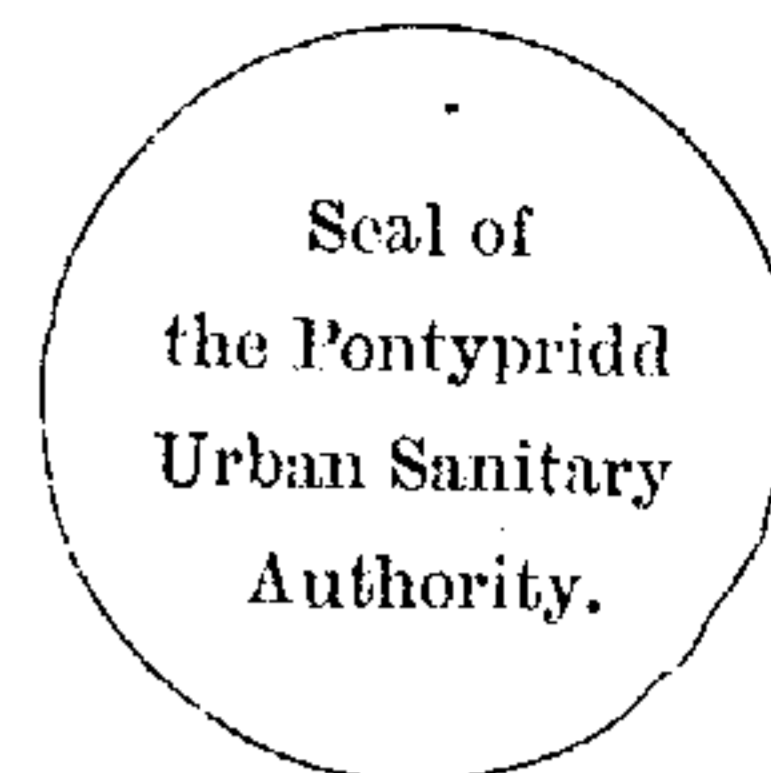
13. If at any time any question shall arise between the Company and the Local Board relating to this agreement or the intention construction and meaning thereof every such question shall (unless it can be otherwise satisfactorily disposed of) be referred to and determined by arbitration according to the provisions of the Arbitration Act 1889.

In witness whereof the respective parties have hereunto caused their respective common seals to be affixed the day and year first above written.

A.D. 1893.

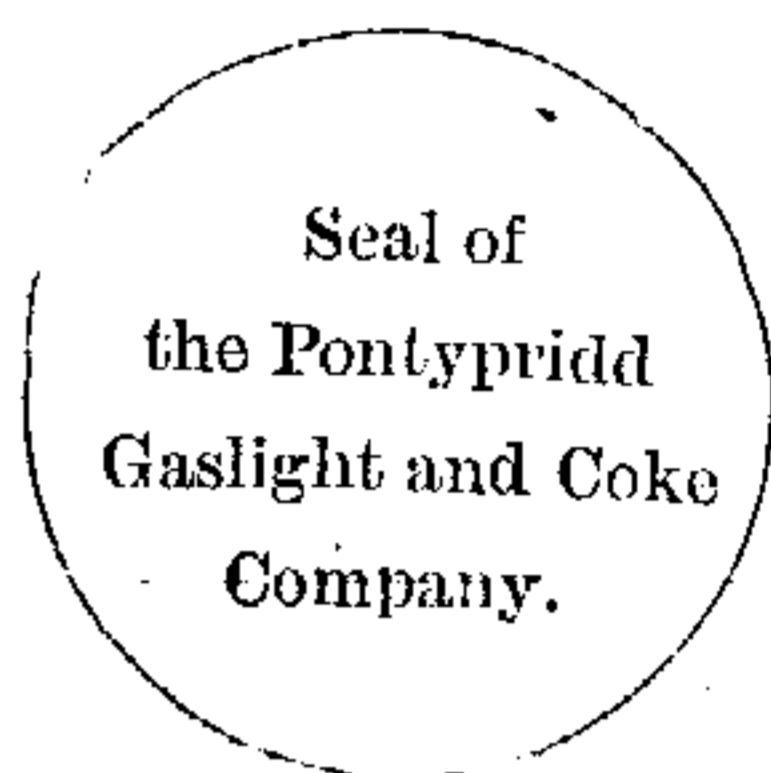
The common seal of the Local Board for the Pontypridd Urban Sanitary District was hereto affixed in pursuance of a resolution to that effect passed at a meeting of the board duly convened and held on the fourth day of November one thousand eight hundred and ninety-two.

DD. LEYSHON
Chairman.



The common seal of the Pontypridd Gaslight and Coke Company was hereto affixed in pursuance of a resolution to that effect passed at a meeting of the directors of the Company duly convened and held on the thirteenth day of December one thousand eight hundred and ninety-two.

WILLIAM WILLIAMS
Chairman.

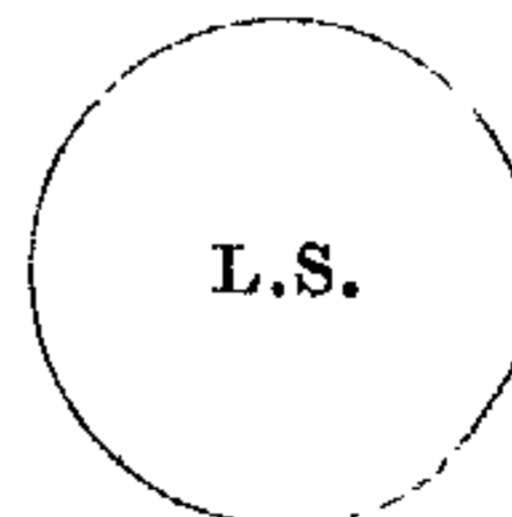


THIRD SCHEDULE.

FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF COMPANY TO LOCAL BOARD.

In pursuance of and subject to the provisions of the Pontypridd Local Board (Gas) Act 1893 and in consideration of the Pontypridd Gaslight and Coke Company do hereby grant convey and assign their undertaking unto the Local Board for the Urban Sanitary District of Pontypridd to hold the same unto them their successors and assigns as from the day of one thousand eight hundred and ninety and the said Local Board do hereby accept the same accordingly.

In witness whereof the parties hereto have hereto set their respective common seals this day of one thousand eight hundred and ninety .



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