



CHAPTER lxxix.

An Act to authorise the transfer of part of the Undertaking of the Brynmawr and Abertillery Gas and Water Company to the Abertillery Local Board to regulate the capital and powers of the Company and for other purposes. A.D. 1894.
[3rd July 1894.]

WHEREAS by the Brynmawr Gas Act 1866 (in this Act called "the Act of 1866") the Brynmawr Gas Company were incorporated and authorised to make gasworks and to supply gas within the parish of Llanelly and parts of the parishes of Llangattock and Llangynider in the county of Brecon and the parish of Aberystroth in the county of Monmouth :

And whereas by the Abertillery Gas and Water Act 1867 (in this Act called "the Act of 1867") the Abertillery Gas and Water Company were incorporated and authorised to make gasworks and waterworks and to supply gas and water within the said parish of Aberystroth :

And whereas by the Act of 1867 provision was made for the sale and transfer of the undertaking of the Abertillery Gas and Water Company including all rights powers privileges or authorities connected therewith to the Brynmawr Gas Company and for the amalgamation of the undertakings of the said two companies and by the said Act it was provided that after such sale that Act should be read and have effect as if the same had been passed with respect to the Brynmawr Gas Company instead of with respect to the Abertillery Gas and Water Company and that the name of the Brynmawr Gas Company should be changed to "the Brynmawr and Abertillery Gas and Water Company" :

And whereas in accordance with the provisions of the Act of 1867 the undertaking of the Abertillery Gas and Water Company including as aforesaid was by an indenture dated the third day of October one thousand eight hundred and sixty-seven sold and

A.D. 1894. transferred to the Brynmawr Gas Company and the undertakings of the said two companies were amalgamated :

And whereas by the Brynmawr and Abertillery Gas and Water Act 1892 (in this Act called "the Act of 1892") the limits for the supply of water by the Brynmawr and Abertillery Gas and Water Company (herein-after in this Act called "the Company") were extended so as to include the parish of Llanhilleth in the county of Monmouth and the Company were authorised to make additional waterworks :

And whereas by the Act of 1892 the capital and borrowing powers of the Company under the Acts of 1866 and 1867 and the said indenture of the third day of October one thousand eight hundred and sixty-seven were declared to be eighteen thousand pounds and six thousand five hundred pounds respectively and by the Act of 1892 the Company were authorised to make additional works and to raise additional share capital to the amount of forty thousand pounds and to borrow on mortgage to an extent not exceeding one-fourth part of such additional share capital for the time being raised :

And whereas the Company have gasworks and are supplying gas both within and without the district of the Abertillery Local Board (in this Act called "the local board") :

And whereas the Company have waterworks and are supplying water within the said district but have not yet commenced to make any of the additional waterworks by the Act of 1892 authorised :

And whereas the Company have raised the whole of their share capital as declared by the Act of 1892 and have borrowed on mortgage six thousand five hundred pounds and have not issued debenture stock and have not issued the additional share capital authorised by the Act of 1892 :

And whereas part of the parish of Aberystroth aforesaid and the whole of the said parish of Llanhilleth together form a local government district and the local board are the urban sanitary authority for that district :

And whereas the Company and the local board have entered into an agreement for the sale to and purchase by the local board of so much of the gas and water undertaking of the Company as is within the district and it is expedient that such agreement as varied and set forth in the schedule to this Act be confirmed :

And whereas it is expedient that provision be made as in this Act appears with respect to the Company in view of the altered circumstances thereof consequent upon the sale of part of their undertaking as aforesaid :

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And whereas it is expedient that powers be conferred upon the local board as in this Act appears in relation to the supply of gas and water :

And whereas it is expedient that the local board be authorised to make additional waterworks and to abandon certain of the waterworks by the Act of 1892 authorised :

And whereas it is expedient that the local board be authorised to borrow money and apply their funds for the purposes of this Act :

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

And whereas (in addition to the moneys which will be required for effecting the transfer of the said portion of the undertaking and enabling the local board to give effect to the provisions of this Act in relation thereto) estimates have been prepared by the local board for the purchase of land for and the execution of the waterworks by this Act authorised and the extension of mains and pipes and other gasworks and waterworks purposes and such estimates amount in all to fifty thousand pounds and the works included therein are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the local board at a meeting held on the fourteenth day of November one thousand eight hundred and ninety-three after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "South Wales Gazette" a local newspaper published and circulating in the district 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 district fund and the general district rate or such other fund revenue and rates as Parliament may determine upon :

And whereas such resolution was published twice in the "South Wales Gazette" a newspaper published and circulating in the district 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 eighteenth day of January one thousand eight hundred and ninety-four being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district by resolution in the manner provided in the Third Schedule to the

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A.D. 1894. Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Monmouth and are herein-after respectively referred to as the deposited plans sections and books 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:—

Short title. 1. This Act may be cited as the Abertillery Local Board (Gas and Water) Act 1894.

Incorporation of Acts.

2. The Lands Clauses Acts;

The Gasworks Clauses Act 1847; and

The Waterworks Clauses Act 1847 (except the provisions in those Acts respectively with respect to the amount of profit to be received by the undertakers when the gasworks or waterworks are carried on for their benefit) but the Waterworks Clauses Act 1847 shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from section 44;

The Gasworks Clauses Act 1871;

The Waterworks Clauses Act 1863; and

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 with respect to the crossing of roads or other interference therewith

are so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act incorporated with and form part of this Act:

Provided that the provisions so incorporated with this Act of the Railways Clauses Consolidation Act 1845 shall apply only to the reservoir and works immediately connected therewith by this Act authorised and shown on the deposited plans and as if the expressions "the railway" and "the centre of the railway" in those provisions meant the said reservoir and works and the boundaries thereof respectively.

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3. In this Act—

The several words and expressions to which meanings are assigned by the above-mentioned Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. Provided that the expression “the undertakers” or “the promoters of the undertaking” means the local board;

The expression “the district” means the district of the local board as it existed on the fifth day of October one thousand eight hundred and ninety-three;

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

The expression “the district portion of the Company’s undertaking” means the portion of the Company’s undertaking by the herein-before recited agreement agreed to be sold to and purchased by the local board;

And for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Acts wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Interpreta-
tion.

4. The said agreement for sale and purchase as varied and set forth in the schedule to this Act is hereby confirmed and made binding upon the local board and the Company respectively and is in this Act called “the scheduled agreement” and the Company shall sell to the local board and the local board shall purchase the district portion of the Company’s undertaking at the time for the consideration in the manner and generally upon the terms in the scheduled agreement set forth.

Confirma-
tion of
scheduled
agreement.

5. The sale of the district portion of the Company’s undertaking shall be carried into effect by a deed of conveyance duly stamped and truly stating the consideration and on the execution (the date whereof is in this Act called “the date of vesting”) of that deed by the Company and the payment by the local board to the Company of the consideration and other moneys (if any) payable to them under the scheduled agreement the district portion of the Company’s 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

Transfer to
be by deed.

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A.D. 1894. of the scheduled agreement and thenceforth the local board shall have and hold the district portion of the Company's undertaking :

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

Receipt for purchase money.

6. The receipt in writing of three of the directors of the Company for the purchase-money or any other sum to be paid to the Company 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.

Application of purchase money by Company.

7. The Company shall apply the sum of seventeen thousand pounds and any other sums received by them from the local board under the scheduled agreement on account of capital:—

First. In payment off of all moneys borrowed by the Company on mortgage of their undertaking and outstanding at the date of vesting ;

Secondly. In payment to the holders of existing shares in the capital of the Company of the sum of four pounds in respect of every ten pound share held by them respectively and the balance (if any) shall be applied in the discharge of any other debts of the Company incurred on capital account and subject thereto to any purposes of the Company to which capital is properly applicable :

And the Company shall carry any other sums received by them from the local board under the scheduled agreement to the credit of their revenue account for the year one thousand eight hundred and ninety-four.

Cesser of Company's powers and liabilities.

8. From and after the date of vesting the Company shall (except as herein-after provided) cease to exercise any rights or powers and shall be relieved from all liabilities duties and obligations conferred upon incurred by or imposed upon them with respect to the supply or taking of water or which attach to the Company in their capacity of a water company or in respect of their waterworks or powers relating thereto And from and after the same date the Company shall (except as herein-after provided) cease to exercise any rights or powers and shall be relieved from all liabilities duties and obligations

conferred upon incurred by or imposed upon them with respect to the manufacture or supply of gas within the district or which attach to the Company in their capacity of a gas company supplying gas within the district. A.D. 1894.

9. The provisions of Part IV. (relating to change of name) of the Companies Clauses Act 1863 shall subject to the provisions of this Act and of the scheduled agreement be incorporated with and form part of this Act and from and after the date of vesting the name of the Company instead of being "the Brynmawr and Abertillery Gas and Water Company" shall be "the Brynmawr and Blaïna Gas Company." Change of name of Company.

10.—(1) As from the date of vesting the share capital of the Company as declared by section 22 of the Act of 1892 shall be reduced to ten thousand eight hundred pounds and shall consist of fully paid capital stock of that amount and as from that date all the existing shares of the Company shall be by virtue of this Act cancelled and extinguished and there shall be by virtue of this Act without further or other authority created such capital stock to the amount aforesaid: Reduction of capital of Company.

(2) Every holder of shares in the capital of the Company shall after such date be entitled to receive in substitution for every ten pound share held by him capital stock of the nominal amount of six pounds and the sum of four pounds in cash and the Company shall as soon as conveniently may be after the date of vesting call in and cancel the existing certificates of shares in the capital of the Company and issue in lieu thereof certificates of stock to the amount to which the holders of such shares are respectively entitled as aforesaid and the holders of such shares shall not be entitled to any certificate of capital stock created by this Act or to any payment in cash as aforesaid until they shall have delivered up to the Company the certificates for the shares so held by them at the date of vesting or shall prove to the satisfaction of the Company the loss or destruction thereof:

(3) The persons who appear in the books of the Company to be proprietors of shares in the capital of the Company or the legal personal representatives in the case of deceased proprietors shall unless the contrary is proved to the satisfaction of the directors of the Company be considered to be the shareholders for the purposes of the issue of such capital stock and the payment of such sums as aforesaid and the receipt of such person or of such legal personal representatives or (in the case of money payable to or for the benefit of a person being an infant or of unsound mind) of the guardian

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or committee of his estate as the case may be shall be an effectual discharge to the Company and to the directors thereof for as much money as is therein expressed to be received :

(4) The capital stock created by this Act shall vest in the persons entitled thereto as aforesaid in substitution for the shares in the capital of the Company held by them previous to the date of vesting and every portion of stock so vested and all sums paid in cash by the Company as aforesaid shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and encumbrances as immediately before such date affected the share or shares for which the same is substituted and so as to give effect to and not to revoke any deed will or other disposition disposing of or affecting the same and every such deed will or other disposition shall take effect with reference to the whole or a proportionate part as the case may be of the stock and cash substituted for such existing shares as aforesaid :

(5) The provisions of sections 62 to 64 of the Companies Clauses Consolidation Act 1845 shall be incorporated with this Act and shall extend to the stock hereby created as fully and effectually as if the same had been created on the conversion of the shares of the Company into stock under the provisions of that Act :

(6) The capital stock by this Act created shall not be transferable in amounts of less than one pound or multiples of one pound :

(7) The directors of the Company may close the register of shareholders and the register of transfers of shares in the capital of the Company for such time not exceeding fourteen days previous and subsequent to the date of vesting and may make such arrangements for the registration of the capital stock in the names of the said several persons entitled thereto and for the issue of new stock certificates in substitution for existing share certificates and generally do all such acts and things as shall be necessary and proper for giving effect to the provisions of this Act and for substituting capital stock for the existing shares of the Company in accordance with the provisions of this Act :

(8) Where the directors of the Company are for twelve months after the date of vesting unable after diligent inquiry to ascertain the person to whom any money to be distributed by them as aforesaid is payable the directors may pay the same to the Paymaster-General for and on behalf of the Supreme Court or if not exceeding five hundred pounds into the county court of Monmouthshire under any Act for the time being in force for the relief of trustees.

11. Sections 18 to 20 of the Companies Clauses Consolidation Act 1845 shall be incorporated with and form part of this Act and be deemed and construed to include and apply to all stock for the time being of the Company (including debenture stock) and interest thereon as if such stocks and interest respectively had been expressly named in the said sections.

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Transmission of stock of Company.

12. The borrowing powers of the Company as declared by section 22 of the Act of 1892 are hereby as from the date of the payment off of the existing mortgages as herein-before provided reduced from six thousand five hundred pounds to three thousand nine hundred pounds and the directors of the Company may at any time and from time to time after the date of vesting and without any further or other authority exercise such powers as so reduced.

Reduction of borrowing powers of Company.

13. Sections 24 and 36 of the Act of 1892 shall be read and have effect as if the sum of ten thousand pounds had been mentioned in the said first-mentioned section as the amount of new capital which the Company are by that Act authorised to raise by shares or stock instead of the sum of forty thousand pounds and the proviso to the said section 24 and section 25 of the said Act are hereby repealed.

Reducing further capital and borrowing powers of Company.

14. Section 33 of the Act of 1892 shall be read and have effect as if the local board for the district of Nantyglo and Blaina had been named therein instead of the local board.

Amending section 33 of Act of 1892.

15. Section 30 of the Act of 1866 is hereby repealed and from and after the passing of this Act the number of the directors of the Company shall be seven but the Company may from time to time reduce and again increase the number of directors but so that the number shall be never less than three nor more than seven. Provided that if through any vacancy in their body the number of directors be less than the full number for the time being prescribed the continuing directors may act notwithstanding such vacancy.

Number of directors of Company.

16. The quorum for a meeting of directors of the Company shall be three.

Quorum for meetings of directors of Company.

17. The prescribed quorum for a general meeting of the Company shall be not less than three shareholders or stockholders holding in the aggregate not less than five hundred pounds of the capital of the Company.

Quorum for general meetings of Company.

18. Subject to section 26 of the Act of 1892 at all general meetings of the Company every shareholder shall have one vote for every share held by him and every holder of stock (not being

Votes at general meetings of Company.

A.D. 1894. debenture stock) shall have one vote for every ten pounds of such stock held by him.

Extending meaning of "Special Act."

19. The Act of 1866 and the Act of 1867 as amended by the Act of 1892 and this Act shall in construing the provisions of any Acts incorporated with those Acts respectively be deemed to be the special Act referred to in the Acts so incorporated.

Application of Company's powers to the local board.

20. From and after the date of vesting the local board shall have and may exercise within the district all such and the like powers rights privileges and authorities as are at that date exercisable by the Company within the district under the Acts of 1866 1867 and 1892 respectively and the Acts incorporated with those Acts respectively subject to the obligations imposed by those Acts respectively and the provisions of this Act as fully and effectually as if the name of the local board had been inserted in those Acts with respect to the exercise as aforesaid of such powers rights privileges and authorities within the district and for that purpose the expressions "the undertakers" and "the promoters of the undertaking" in the Acts incorporated with the Acts of 1866 1867 and 1892 or with any of those Acts shall include the local board Provided that—

- (1) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Acts 1863 and 1869 incorporated with the Acts of 1866 1867 and 1892 or with any of them shall not apply to the local board :
- (2) The provisions of the Gasworks Clauses Act 1847 and of the Waterworks Clauses Act 1847 incorporated with the Acts of 1866 1867 and 1892 or with any of them with respect to the amount of profit to be received by the undertakers when the gasworks or waterworks are carried on for their benefit shall not apply to the local board :
- (3) Section 44 of the Waterworks Clauses Act 1847 incorporated with the Acts of 1867 and 1892 respectively shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from that section :
- (4) None of the provisions of the Acts of 1866 1867 and 1892 or of any of the Acts incorporated therewith respectively in any manner relating to the constitution or the capital or the borrowing of moneys or the dividends or the sale or disposal of lands or the application of the profits of the Company or to the balancing of the books or the accounts of the Company shall apply to the local board.

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 Amendment
 of section 46
 of Act of
 1867.

21. From and after the date of vesting in the local board the expression "annual value" in section 46 of the Act of 1867 shall mean the gross estimated rental as the same appears in the valuation list or lists for the time being in force for the relief of the poor and the said section shall be read and have effect accordingly :

Provided that where the water rate is chargeable on the gross estimated rental of a part only of any hereditament entered in the valuation list such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole tenement the apportionment in case of dispute to be determined in manner provided by section 68 of the Waterworks Clauses Act 1847 :

Provided also that the local board shall not be entitled in any case to demand for the water rate for a house or any part of a house a greater sum of money than might be charged for any house or part of a house of higher gross estimated rental but at a lower rate per centum per annum.

22. 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 and all other receipts in the nature of capital other than borrowed moneys 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.

Application
 of moneys
 from sales
 &c. of land.

23. For preventing waste misuse undue consumption or contamination of the water of the local board the following provisions shall be substituted for section 52 of the Act of 1867 and shall have effect (namely) :—

Byelaws
 preventing
 waste &c. of
 water.

(A) The local board may from time to time make such byelaws as they think expedient for the objects aforesaid to be observed by persons supplied with water :

(B) The local board may by any such byelaws direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connection disconnection alteration and repair of pipes valves meters cocks tanks cisterns baths soil-pans waterclosets and other apparatus or receptacles for conveying delivering receiving and measuring water and may

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interdict any arrangement and the use of any pipe valve cock tank cistern bath soil-pan watercloset or other apparatus or receptacle likely to occasion waste misuse undue consumption erroneous measurement or contamination of water :

(c) In case of the failure of any person to observe any byelaws for the time being in force the local board may if they think fit after twenty-four hours notice in writing enter and by or under the direction of their authorised officer repair replace or alter any pipe valve cock tank cistern bath soil-pan watercloset or other apparatus or receptacle belonging to or used by any person supplied by them and the power of entry given by section 15 of the Waterworks Clauses Act 1863 and the provisions of that section relative thereto shall extend and apply to entry for the purpose of such repair replacement or alteration and the expense of every such repair replacement or alteration shall be repaid to the local board by the person on whose credit the water is supplied and may be recovered from him in a summary manner :

(d) All byelaws made by the local board under this section shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates to byelaws made by a rural sanitary authority) of the Public Health Act 1875 and shall be in force only within those parts of the water limits in which the local board are bound to afford and do in fact afford or are prepared on demand to afford a constant supply :

(e) Any person duly appointed for the purpose by the local board and exhibiting his appointment if required to do so may between the hours of nine of the clock in the forenoon and four of the clock in the afternoon enter any building or place supplied with water by the local board and inspect the meters pipes valves ferrules cocks cisterns soil-pans baths waterclosets taps fittings and other apparatus and receptacles for conveying delivering and receiving water and the mode of arrangement thereof and see whether they are in good repair and if such person at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence be liable to a penalty not exceeding five pounds :

(f) A notice to the local board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the principal office for the time being of the local board.

Local board officer may enter buildings to inspect fittings.

Notice of discontinuance.

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24. All gas and water rents and rates and sums of money which immediately before the date of vesting were due or accruing to the Company in respect of the district portion of the Company's undertaking shall be payable to and may be collected and recovered by the Company in like manner as if this Act had not been passed.

Recovery of arrears of gas and water rents and rates by Company.

25. If at the date of vesting any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the Company relating to the district portion of the Company's undertaking the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the local board as and when it might have been continued prosecuted and enforced by or against or in favour of the Company if this Act had not been passed.

As to certain pending actions &c. by or against the Company.

26. All conveyances leases deeds contracts bonds agreements and other instruments and all liabilities and obligations entered into or incurred by or with or to the Company and relating to or affecting the district portion of the Company's undertaking and in force or subsisting at the date of vesting shall (without prejudice to the provisions of Article 7 of the scheduled agreement) 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 and the local board shall effectually indemnify the Company therefrom.

Certain contracts of Company to be binding on local board.

27. All documents books and writings which if the transfer to and vesting in the local board of the district portion of the Company's undertaking had not been made would have been receivable in evidence in respect of any matter for or against the Company in respect of the district portion of the Company's undertaking 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.

28. From and after the date of vesting the limits for the supply of gas and water by the local board shall be the whole of the district as it existed on the fifth day of October one thousand eight hundred and ninety-three and the Acts of 1866 1867 and 1892 shall subject to the provisions of this Act respectively be read and have effect as if the whole of such district had been included within the limits of those Acts respectively for the supply of both gas and water.

Limits of supply by local board.

29. Subject to the provisions of this Act the Local Board may make and maintain in and according to the lines situations and

Power to make water-works.

A.D. 1894. levels shown on the deposited plans and sections the works hereinafter described and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act will be wholly situate in the parish of Aberystroth in the county of Monmouth and are—

- (1) A reservoir to be situate on the Tillery Brook (otherwise the Afon Tilerau) to be formed by an embankment crossing the said brook at a point eighty yards or thereabouts measured in a southerly direction along the course of the brook from the southern corner of the inclosure numbered 1142 on the 25-inch Ordnance map:
- (2) An aqueduct conduit or line of pipes (No. 1) commencing in the said Tillery Brook at the north-western corner of the enclosure numbered 823 on the 25-inch Ordnance map and terminating at the filter beds and service tank herein-after described:
- (3) Two filter beds and a service tank to be situate in the inclosure numbered 1194 on the 25-inch Ordnance map:
- (4) An aqueduct conduit or line of pipes (No. 2) commencing in the service tank above described and terminating by a junction with the aqueduct or line of pipes (No. 2) authorised by the Act of 1892:
- (5) An aqueduct conduit or line of pipes (No. 3) commencing at the southern end of the reservoir before described and terminating by a junction with the aqueduct conduit or line of pipes (No. 2) authorised by the Act of 1892:

Together with all proper and necessary shafts pumps embankments filtering beds tanks dams gauges drains sluices catchpits conduits culverts channels wells cuts adits aqueducts tunnels roads approaches apparatus engines works and conveniences connected with the proposed waterworks or any of them or incidental thereto.

Power to take waters. **30.** Subject to the provisions of this Act the local board may from time to time take intercept collect impound use divert and appropriate for the purposes of their waterworks the water from or to be met with within the limits of deviation shown on the deposited plans or which can or may be intercepted or abstracted by means of the waterworks hereinbefore described or any of them and especially the waters of the said Tillery Brook (otherwise the Afon Tilerau).

31. In the construction of the works by this Act authorised the local board may deviate from the lines of the respective works to the extent of the limits of deviation shown in each case on the deposited plans and where on any road no limits are shown the boundaries of such road shall be deemed to be the limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and seven feet downwards and in the case of all other works not exceeding three feet upwards and ten feet downwards. Provided that if it be found necessary or expedient in the construction of the reservoir to alter the situation of any embankment or weir within the limits of deviation they may in the construction thereof and of the works connected therewith deviate vertically from the levels of any such embankment weir and works as shown with reference to the datum line to any extent not exceeding twenty feet but the local board shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall and three feet in addition.

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Power to deviate.

32. With respect to the water to be taken and compensation water to be afforded by the local board the following provisions are substituted for those contained in section 10 of the Act of 1892 and shall have effect (that is to say) :—

As to compensation water.

(1) During the period limited for the construction of the reservoir by this Act authorised the local board may by means of the aqueduct conduit or line of pipes (No. 1) by this Act authorised draw any water they may require from the Tillery Brook subject to the following restrictions :—

(A) They shall place a gauge weir across the said brook at or near the proposed intake through an aperture in which three hundred thousand gallons of water shall be allowed to pass and flow down the stream every working day of twenty-four hours ;

(B) On any such day during such times as the flow of water in the said brook shall be less than at the rate of three hundred thousand gallons per day of twenty-four hours the local board shall not be entitled to draw any water therefrom but during such time as the flow is in excess of the rate of three hundred thousand gallons per day of twenty-four hours the local board may take all or such part of such excess as they may require :

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(2) After the reservoir by this Act authorised is completed the following provisions shall apply (namely) :—

(A) The local board shall during every working day of twenty-four hours deliver or allow to flow into the Tillery Brook at a point therein situate not more than two hundred yards (measured along the centre of the stream) below the foot of the embankment of the said reservoir not less than three hundred thousand gallons of water Provided that if at any time the local board draw from the said reservoir and the said brook or either of them for the purposes of supply more than four hundred thousand gallons of water in any one such day the local board shall thereafter deliver or allow to flow as aforesaid an additional quantity of not less than thirty-five thousand gallons of water in respect of every day on which more than four hundred thousand gallons shall have been drawn as aforesaid ;

(B) The said delivery or flow shall be as nearly as possible continuous ;

(C) For the purpose of measuring the quantity of water to be so delivered or allowed to flow into the Tillery Brook the local board shall erect and maintain at some point on that brook below the said reservoir not more than two hundred yards from the front of the outer slope of the embankment thereof a proper and suitable measuring gauge over or through which the water shall be delivered or allowed to flow as herein-before provided ;

(D) For the purpose of measuring the quantity of water drawn for the purposes of supply the local board shall erect and maintain a proper and suitable measuring gauge :

(3) (A) Each of the said gauges shall be open to the inspection and examination of all persons interested in the flow of the said brook ;

(B) If at any time either of such gauges be out of repair or in an unfit condition for the purpose for which it is intended the local board shall forthwith put the same in fit repair and condition and if they fail so to do within fourteen days after notice in writing given them in that behalf by or on behalf of any of the persons interested in the flow of the said brook then any such person may cause the same to be put in proper repair and condition and recover the reasonable cost thereof with full

costs of suit from the local board in any court of competent jurisdiction: A.D. 1894.

- (4) The provisions of this section shall be accepted and taken by all persons interested in the water of the said brook as full compensation for the waters thereof below the point at which the said measuring gauge is erected:
- (5) In case the local board fail to deliver or to permit to flow the respective quantities of water by this section provided except during such periods as may be necessary from time to time for cleaning or repairing the said reservoir or works connected therewith they shall be liable to a penalty of not exceeding ten pounds for every day such failure or omission shall continue such penalty to be recoverable by any person interested in the flow of the said brook with full costs of suit in any court of competent jurisdiction:
- (6) If and so often as any difference shall arise between the local board and any person interested in the water so to be delivered or allowed to flow as by this section provided with respect to the construction use or maintenance of any of the said gauges such difference shall be submitted to the arbitration of an engineer to be agreed upon by the parties in difference or failing such agreement to be nominated on the application of either of such parties after fourteen days notice in writing to the other by the President for the time being of the Institution of Civil Engineers and the costs of the reference shall be in the discretion of the arbitrator.

33. The following provisions shall unless otherwise agreed in writing under seal between the parties interested have effect for the protection of Lancasters Steam Coal Collieries Limited (in this section called "Lancasters Company") and the South Wales Colliery Company Limited (in this section called "the South Wales Company") both of which companies according to their respective estates and interests are in this section included in the expression "the owners":—

For protection of Lancasters Steam Coal Collieries and South Wales Colliery Company.

- (1) The reservoir by this Act authorised shall be made to contain not less than forty million gallons of water:
- (2) Nothing in this Act shall empower the local board to purchase or take from the owners otherwise than by agreement any of the lands of Lancasters Company or the South Wales Company but the local board may purchase and Lancasters Company and the South Wales Company respectively according to their respective rights and interests shall grant

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to the local board the perpetual easements or rights following (namely):—

(A) The easement or right of making and maintaining on the surface of lands of the owners the reservoir service tank aqueducts conduits lines of pipe and other works (so far as they will be upon the land of the owners) shown on the copy of the deposited plans and sections signed by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords and deposited in the Office of the Clerk of the Parliaments;

(B) The easement or right of excavation or interference with the soil of the said lands but so far only as shall be necessary for the purpose of constructing inspecting and maintaining the said works as shown on the said signed plans and sections;

(C) The easement or right for purposes of support to the maintenance unworked (subject as herein-after provided) of the minerals measures or strata underlying those portions of lands of the owners which are coloured pink on the said signed plans:

(3) It shall be lawful for the owners on their own land and at their own expense at any time or times and from time to time to deviate divert deepen or otherwise alter the position of any aqueducts conduits or lines of pipe belonging to or forming part of the undertaking of the local board in such manner and to such extent as they may deem necessary for the convenient occupation of their lands collieries and works provided that no avoidable damage or interference shall thereby be caused to the water supply of the local board and provided that any such alterations shall be done to the reasonable satisfaction of the engineer of the local board for the time being Before undertaking any such works the owners shall give notice of their intention to do so to the local board fourteen days before proceeding therewith with all necessary plans and specifications The local board may at any time prior to the completion of the works elect themselves to make any physical junction between their water pipe and any new pipe or pipes laid by the owners provided they make such junction within three days after notice to do so given by or on behalf of the owners:

(4) It shall be lawful for the owners to cut and make such airways headways gateways or water levels through the minerals measures or strata to be maintained as aforesaid as

may be requisite to enable them to ventilate drain and work any mines or minerals on each or either side thereof Provided such airways headways gateways or water levels shall not be of greater dimensions than eight feet wide and eight feet high and the said airways headways gateways and water levels shall not be nearer to the surface than a depth of fifty yards and that the position and number of such airways headways gateways or water levels shall in case of difference be settled by arbitration : A.D. 1894.

- (5) The owners shall have the right for themselves their tenants officers and each of them servants and workmen and all other persons authorised by them at all times to cross and recross over the embankment of the reservoir by this Act authorised and over any lands except the lands occupied by the filter-beds and service tanks of or used by the local board for the purpose of any of the works by this Act authorised :
- (6) If the local board fail to construct or complete the works by this Act authorised so far as they will be situate on the lands of the owners within the time limited for that purpose by this Act or any extension thereof sanctioned by Parliament or by agreement with the owners then the easements and rights granted under the Act by the owners to the local board shall absolutely cease and determine :
- (7) The South Wales Company shall have and may exercise by any person or persons from time to time authorised under their common seal the exclusive right of fishing fowling and sporting over the said reservoir and all lands which the local board may acquire in connexion therewith or under or in relation to the scheme for water supply authorised by this Act and also the right to use a boat on the reservoir Provided that during the currency of the present lease by the South Wales Company to Lancasters Company dated the twenty-fourth day of May one thousand eight hundred and ninety-two the rights granted by this sub-section shall be deemed to be included in and demised by the said lease and may be exercised by the lessee company by any person or persons from time to time authorised by them under their common seal :
- (8) Notwithstanding that the reservoir by this Act authorised primarily for a compensation reservoir may in cases of emergency be used for the supply of water for domestic purposes nothing in this Act shall affect the right of the owners to use their lands for any purposes connected with their existing collieries or any colliery or collieries which may hereafter exist for the purpose of winning coal and other minerals or

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products belonging to the owners nor shall anything in this Act give the local board or any other person any right to prevent or claim compensation in respect of any works ways appliances screening places coking furnaces or other operations of the owners which may tend to render water in the said reservoir less fit for domestic purposes or take away or diminish any right which the local board or any other person would have had in respect of the pollution of any stream which supplies or is intercepted by such compensation reservoir and all such rights shall remain in force as if this Act had not been passed:

- (9) Notwithstanding anything in this Act but subject to any easement or right of support granted as herein-before provided it shall be lawful for the owners at all times to work all mines or minerals lying under or adjacent to any of the aqueducts conduits filter beds or lines of pipe of the local board without giving the local board notice of their intention so to do and without being responsible for any damage that may happen thereto by reason of such workings.

34. The following provisions for the protection of the Great Western Railway Company are substituted for the provisions for the protection of that company contained in section 11 of the Act of 1892 (namely):—

For protection of Great Western Railway Company.

- (1) Any mains or pipes which the local board may lay down in or along any road in the district crossing either on the level of or by means of a bridge over the railway of the Great Western Railway Company or over the canal or towing path of that Company shall so far as they may affect any such railway or canal be laid down by the local board under the direction and superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Great Western Railway Company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and reasonably approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the local board shall be renewed and repaired under the like superintendence:

Provided that if the said engineer shall disapprove of such plans and sections or for fourteen days after the delivery thereof fail to approve the same in writing such mains and pipes shall be laid down in accordance with plans and sections to be approved by an arbitrator to be appointed as herein-after provided:

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Provided that where any such mains or pipes require to be laid under any level crossing of the said railway the Great Western Railway Company may if they elect so to do within seven days of the receipt of such plans themselves lay the same under the superintendence of the engineer of the local board and to his satisfaction and the reasonable costs charges and expenses of the Great Western Railway Company in so doing shall be repaid them by the local board and the Great Western Railway Company if they so elect shall on being required to do so by the local board at once proceed with and complete the laying of any such mains and pipes with all possible despatch :

- (2) The said mains or pipes shall be so laid down repaired and used by the local board as not to cause any damage or injury to or impede the free and uninterrupted use of the said railway canal towing-paths and works :
- (3) The local board shall at all times keep the Great Western Railway Company indemnified against all damage losses expenses or injuries which they or the traffic on their railway or canal may sustain or incur by reason or in consequence of the laying down maintaining repairing or using such mains and pipes as aforesaid :
- (4) Any question by this section referred to arbitration or any difference which may arise between the local board and the Great Western Railway Company under this section shall on the application of the Local Board or the Great Western Railway Company be determined by an arbitrator to be appointed by the Board of Trade whose decision shall be final and the cost of such arbitration shall be in the discretion of the arbitrator.

35. The powers of the local board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

36. If the works by this Act authorised and shown on the deposited plans and sections are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the local board for the making thereof respectively or otherwise in relation thereto shall cease except as to so much thereof respectively as is then completed. Period for completion of works.

37. The local board may for the purposes of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands which they are otherwise authorised to purchase or hold Power to purchase lands by agreement.

A.D. 1894. for any of the purposes of their undertaking any lands and hereditaments not exceeding in the whole ten acres which they may from time to time require for the purposes of their works and undertaking and may on all or any of such lands execute for the purposes of and in connection with their water undertaking any of the works and exercise any of the powers mentioned in section 12 of the Waterworks Clauses Act 1847 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 purpose of manufacturing gas or residual products except the lands situate within the district by the Acts of 1866 1867 and 1892 or any of those Acts authorised to be used for that purpose.

Power to take easements &c. by agreement.

38. 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 in which other than the parties to the agreement have an interest) 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 rent-charges 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.

Restriction on taking houses of labouring class.

39. The local board shall not under the powers of this Act purchase or acquire 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 subsequently so occupied :

For the purpose of this section the expression "labouring class" means and includes mechanics artificers 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 of such persons who may be residing with them.

Local board to abandon construction of certain waterworks authorised by Act of 1892.

40. The local board shall abandon the construction of the works authorised by the Act of 1892 and described in sub-sections (A) (B) and (C) of section 6 of that Act and also the construction of so much of the aqueduct conduit or line of pipes No. 2 authorised by the same Act and described in sub-section (D)

of the said section as was proposed to be situated northward of the point of junction mentioned in sub-section (4) of the section of this Act whereof the marginal note is "Power to make waterworks."

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41. The abandonment by the local board under the authority of this Act of any works or parts of works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of lines of works and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Act of 1892 or in any Act wholly or partially incorporated with that Act but such rights may be enforced against the local board to the same extent as they might but for this Act have been enforced against the Company and the local board shall indemnify and keep indemnified the Company against all claims and demands for such compensation.

Compensation for damage to land by entry &c. for purposes of waterworks abandoned.

42. Where before the date of vesting any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any works or parts of works authorised to be abandoned by this Act the local board shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the local board to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of portions of waterworks abandoned.

43. The local board may from time to time (in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public or local Act) borrow at interest on mortgage of the following securities and for the following purposes being purposes to which capital is

Power to borrow.

[Ch. lxi.] *Abertillery Local Board (Gas and Water) Act, 1894.* [57 & 58 Vict.]

A.D. 1894. properly applicable but not otherwise the following sums (that is to say) :—

On security of the revenue of their gas undertaking and of the district fund and general district rate :

For the purchase of so much of the district portion of the Company's undertaking as relates to gas the sum of twelve thousand pounds and for renewing and extending gas mains and pipes the sum of six thousand pounds ;

For paying one half of the costs charges and expenses of this Act as herein-after defined and of the other costs charges and expenses payable by the local board under Article 14 of the scheduled agreement such sums as may be required :

And with the approval of the Local Government Board such further sums as may be necessary for carrying into effect the purposes of this Act or otherwise in relation to their gas undertaking.

On security of the revenue of their water undertaking and of the district fund and general district rate :

For the purchase of so much of the district portion of the Company's undertaking as relates to water the sum of five thousand pounds and for renewing and extending water mains and pipes the sum of seventeen thousand pounds ;

For the construction of the waterworks by this Act authorised the sum of thirty thousand pounds ;

For paying half of the costs charges and expenses of this Act as herein-after defined and of the other costs charges and expenses payable by the local board under Article 14 of the scheduled agreement such sums as may be required :

And with the approval of the Local Government Board such further moneys as may be necessary for carrying into effect the purposes of this Act or otherwise in relation to their water undertaking.

As to inquiries by Local Government Board.

44. (1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act with respect to borrowing and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that board under the Public Health Act 1875 :

(2) The local board shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries so

held including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Local Government Board not exceeding three guineas a day for the services of such inspector.

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

Certain regulations of Public Health Act as to borrowing not to apply.

46. Sections 236 to 239 of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act.

Provisions as to mortgages.

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

Periods for payment off of money borrowed.

(1) As to moneys borrowed for the purchase of so much of the district portion of the Company's undertaking as relates to gas within forty-five years from the date or dates of the borrowing of the same respectively :

(2) As to moneys borrowed for the purchase of so much of the district portion of the Company's undertaking as relates to water within forty-five years from the date or dates of the borrowing of the same respectively :

(3) As to moneys borrowed for the construction of the water-works by this Act authorised and for renewing and extending water and gas mains and pipes within forty-five years from the date or dates of the borrowing of the same respectively :

(4) As to moneys borrowed for the payment of the costs charges and expenses of this Act within ten years from the date or dates of the borrowing of the same respectively :

(5) As to moneys borrowed with the sanction of the Local Government Board within such period or periods in no case exceeding sixty years from the borrowing of the same as that Board may in each case determine.

48. The local board shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund and in regard to any sinking fund formed under this Act the provisions of section 15 of the Local Loans Act 1875 shall apply.

Mode of payment off of money borrowed.

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Power to reborrow.

49. If the local board pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on any lease or out of other moneys received on capital account not being borrowed moneys they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the local board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

Protection of lenders from inquiry.

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

Power to borrow under Local Loans Act 1875.

51. 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 as amended by the Local Loans Sinking Funds Act 1885 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 :

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 local board's gas and water undertakings on the security of which they were borrowed and such fund rate and revenue shall be deemed the local rate within the meaning and for the purposes of the Local Loans Act 1875 :

Every such loan shall be discharged within the prescribed period.

Local board not to regard trusts.

52. The local board shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any mortgage or security given by them may be subject but the receipt of the person in whose name any such mortgage or security stands in the register or books of the local board shall be a sufficient discharge to the local board in respect thereof notwithstanding any trusts to which such mortgage or security 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 security or interest thereon not entered in their

register or books 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. A.D. 1894.

53. All mortgages and securities 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 and securities granted or issued under this Act. Priority for existing mortgages.

54. Moneys borrowed by the local board under this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable. Application of borrowed moneys.

55. 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 next 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 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. The provisions of

[Ch. Ixix.] *Abertillery Local Board (Gas and Water) Act, 1894.* [57 & 58 VICT.]

A.D. 1894. this section shall mutatis mutandis apply to appropriations and annual repayments.

Sinking fund not to be invested in local board's securities.

56. The local board shall not invest any sinking fund formed by them under the provisions of this Act or of the Local Loans Act 1875 in their own securities or in any securities transferable by delivery.

Separate accounts to be kept.

57. From and after the date of vesting the local board shall keep separate and distinct accounts of their gas undertaking and of their water undertaking which accounts shall respectively show separately and distinctly the receipts and payments on revenue and capital account.

Application of gas revenue.

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

- (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 for the purposes of or in connexion with their gas undertaking :
- (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 for the purposes of or in connexion with their gas undertaking :
- (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 for the purposes of or in connexion with their gas undertaking :
- (5) In providing a reserve fund for their gas undertaking 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 two 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 two thousand pounds and so from time to time as often as such reduction happens : A.D. 1894.

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 and paying the current expenses connected therewith and the annual proceeds of such reserve fund when amounting to two thousand pounds.

59. The local board shall apply all money from time to time received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :— Application
of water
revenue.

- (1) In payment of their costs charges and expenses of and incidental to the collecting and recovering of water rents and rates and of the borrowing of money under this Act for the purposes of or in connexion with their water undertaking :
- (2) In payment of the working and establishment expenses and cost of maintenance of their water undertaking :
- (3) In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the purposes of or in connexion with their water undertaking :
- (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 for the purposes of or in connexion with their water undertaking :
- (5) In providing a reserve fund for their water undertaking 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 two 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 water 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 water undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds and so from time to time as often as such reduction happens :

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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 water undertaking and paying the current expenses connected therewith and the annual proceeds of such reserve fund when amounting to two thousand pounds.

As to deficiency in receipts.

60. Any deficiency in the revenues and receipts of the local board on account of their gas undertaking or of their water undertaking to make any of the payments or provide any of the funds to which the moneys received by the local board in respect of their gas and water undertakings respectively are applicable shall in so far as it is not made good from the respective reserve funds be year by year made good out of the district fund and to the extent that such fund is insufficient out of the general district rate.

Expenses of execution of Act.

61. All expenses incurred by the local board in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

Audit of accounts.

62. Sections two hundred and forty-five two hundred and forty-seven (except so much thereof as is repealed by the District Auditors Act 1879) two hundred and forty-nine and two hundred and fifty 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 and their officers under this Act and to the audit of such accounts.

Authentication of notices.

63. If any summons or demand given by the local board under the Acts of 1866 1867 and 1892 or this Act or under any of those Acts require authentication by the local board the signature thereof by the clerk of the local board or other officer duly authorised shall be a sufficient authentication.

Power to supply water to local authorities and others.

64. The local board may supply water by agreement in bulk or otherwise for domestic or other purposes to any local or sanitary authority company or person outside the district on such terms and conditions in all respects and for such periods as the local board and such local or sanitary authority company or person from time to time agree Provided that nothing in this section or in any such agreement shall authorise the local board to supply or to continue to supply water within the limits of supply of any local or sanitary authority or company except with the consent

of such authority or company nor shall the local board under any such agreement supply water so as to interfere with their giving a proper supply for all purposes to persons within the district. A.D. 1894.

65. No person shall be disqualified from 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 water or other matters articles or things under the Acts of 1866 1867 and 1892 or this Act or under any of those Acts nor shall any mortgagee of the gas or water 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 or water of the local board. Contracts for gas or water not to disqualify.

66. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act including the costs charges and expenses of the Company as well as those of the local board and including the costs incurred in or with the object of complying with the provisions of the Borough Funds Act 1872 as the same shall respectively be taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the local board out of the district fund and general district rate or out of moneys borrowed under this Act. Costs of Act.

A.D. 1894.

SCHEDULE referred to in the foregoing Act.

ARTICLES OF AGREEMENT made the fifth day of October one thousand eight hundred and ninety-three between THE BRYNMAWR AND ABERTILLERY GAS AND WATER COMPANY (herein-after referred to as "the Company") of the one part and THE ABERTILLERY LOCAL BOARD (herein-after referred to as "the Board") of the other part whereby it is mutually agreed as follows :—

1. The Company shall sell and the Board shall purchase (except as herein-after mentioned) the several Gasworks and Waterworks and works connected therewith respectively and all property real and personal of the Company within the now existing district of the Board (herein-after referred to as "the district") and all easements rights powers authorities and privileges enjoyed or exerciseable by the Company within the district under the Brynmawr Gas Act 1866 the Abertillery Gas and Water Act 1867 and the Brynmawr and Abertillery Gas and Water Act 1892 or any of those Acts or otherwise as such works property easements rights powers authorities and privileges shall exist on the day on which such sale and purchase are actually completed and all books accounts maps and documents relating exclusively to so much of the Company's undertaking as shall or shall be authorised to be carried on in the district on such day all which premises so agreed to be sold and purchased are herein-after referred to as "the district portion of the Company's undertaking."

2. There shall be excepted from such sale and purchase all moneys lying to the credit of the Company at their bankers or in hand or owing to the Company on the day herein-after appointed for completion of such sale and purchase (herein-after referred to as "the day of completion") other than moneys received or receivable in advance from gas or water consumers in the district in respect of any period subsequent to the day of completion and also all rights powers authorities and privileges of the Company relating or incident to their capital or to their character of a company and also all such of the statutory rights of the Company as may be requisite for ascertaining and enforcing payment of all moneys that may on the day of completion or subsequently be or become due to them.

3. The consideration to be paid by the Board to the Company shall be as follows :—

- (1) The sum of seventeen thousand pounds :
- (2) A sum equal to the aggregate amount of all capital expenditure properly incurred by the Company between the tenth day of May one

thousand eight hundred and ninety-three and the day on which the said sale and purchase shall be actually completed in respect of the district portion of the Company's undertaking:

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- (3) A sum equal to the value ascertained as herein-after provided of all the stock-in-trade coal coke and other stores of the Company in the district on the day of completion and of all meters on hire in the district on that day which shall have been first hired since the tenth day of May one thousand eight hundred and ninety-three:

Such consideration shall be paid on the day of completion or so soon thereafter as circumstances will permit and the Board shall pay to the Company interest thereon or on so much thereof as shall for the time being remain unpaid from the day of completion until payment thereof after the rate of four per centum per annum. Except that interest as aforesaid upon so much of the consideration as shall represent any capital expenditure made after the day of completion shall run from the time of making such expenditure only.

4. The value of the stock-in-trade coal coke and other stores and of meters on hire in the district required for the purposes of these presents to be valued shall be ascertained by a person to be jointly appointed before the day of completion by the Company and the Board or in default of such appointment by a gas and water engineer to be appointed on the application of the Company or the Board by the Board of Trade.

5. The Company shall be entitled to all the rents and profits accrued due in respect of and shall discharge all outgoings in respect of their undertaking up to the day of completion and as from that day the Board shall be entitled to all the rents and profits of and shall discharge all outgoings in respect of the district portion of the Company's undertaking. The said rents profits and outgoings shall so far as may be necessary be apportioned and from and after the day of completion until the sale and purchase are actually completed the Company shall keep such accounts as may be necessary for showing the rents profits and outgoings of the district portion of the Company's undertaking. Should the Company between the day of completion and the day on which the sale and purchase shall be actually completed discharge any such outgoings as aforesaid they shall so far as the same shall not be properly chargeable to and payable out of capital be entitled to pay the same out of any such rents and profits as aforesaid belonging to but not then already paid over to the Board. Provided that if such rents and profits shall not be sufficient for the discharge of such outgoings the Company may discharge the same out of their own moneys and the Board shall repay to the Company the amount of any outgoings so discharged by the Company as last aforesaid with interest thereon at the rate of four per centum per annum from the respective times when the Company shall discharge the same until such repayment.

6. The benefits and burdens of all leases liabilities contracts agreements and obligations (except so far as relate to the raising of money by the Company) entered into or incurred by or with or to the Company before the day on which the said sale and purchase shall be actually completed and then and thereafter subsisting and relating to or affecting the district portion of the Company's undertaking shall be transferred to the Board as from the day of completion and the Board shall effectually indemnify the Company from all such leases liabilities contracts agreements and obligations.

[Ch. lxxix.] *Abertillery Local Board (Gas and Water) Act, 1894.* [57 & 58 VICT.]

A.D. 1894.

7. The Company shall as between themselves and the Board be liable to and shall pay and discharge all liabilities contracts agreements and obligations relating to the raising of money by the Company entered into or incurred by them and relating to or affecting their undertaking or any part thereof and the Company shall effectually indemnify the Board therefrom.

8. Until such sale and purchase are actually completed the Company shall carry on and manage their undertaking at their own discretion as heretofore and shall maintain uphold and keep the works and property included in the district portion of the Company's undertaking in their present state and condition (reasonable wear and tear excepted) and shall continue to keep proper accounts Provided that the Company shall not without the previous consent in writing of the Board under the hand of their clerk contract make or enter into any new liability contract agreement or other obligation in respect of the district portion of the Company's undertaking except such as may be in the ordinary course of the proper conduct of the affairs of the Company and with the intention of benefiting the undertaking but this stipulation shall operate only as between the Company and the Board and shall not in any manner affect any other party even having notice thereof.

9. On payment to the Company of the consideration herein-before mentioned and any outgoings repayable by the Board to the Company together with any interest which may have accrued due in respect thereof respectively as herein-before provided the Company shall forthwith execute and do all deeds documents and things reasonably necessary for effectuating the said sale and purchase and for duly transferring to and vesting in the Board the district portion of the Company's undertaking and for letting the Board into possession thereof and shall procure the execution of such deeds and documents by all other necessary parties (if any).

10. The said sale and purchase shall be completed on the twenty-fourth day of March twenty-third day of June twenty-eighth day of September or twenty-fourth day of December which shall be next after the expiration of two months from the confirmation of these presents by Parliament as herein-after provided.

11. If these presents be not confirmed by Parliament before the thirty-first day of December one thousand eight hundred and ninety-five they shall (except the article thereof herein-after contained relating to costs) be void as from that date.

12. The Company and the Board shall as soon as practicable (but subject as herein-after provided) jointly promote in Parliament and shall use their best endeavours to obtain the passing of a Bill for confirming these presents and for enabling the Company and the Board respectively to carry the same into effect and for making such alterations as may be necessary or desirable in the constitution and financial position of the Company.

13. These presents are subject to such alterations therein as Parliament may make but should they be materially altered or should any provision be inserted in the Bill for confirming them which would have the effect of materially altering them the Company or the Board may by notice in writing

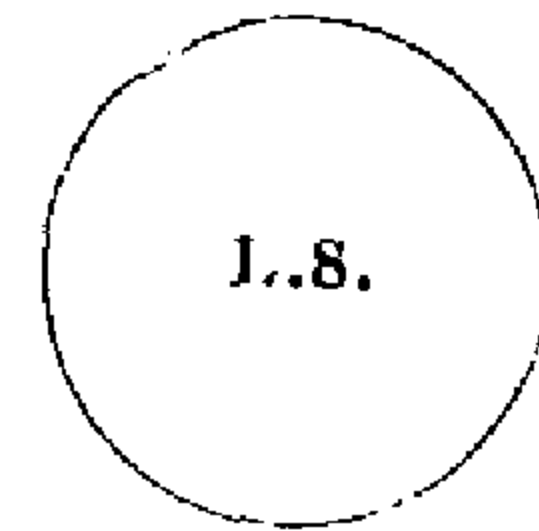
to the other of them object to such Bill being further proceeded with and in that case the said Bill shall not be further proceeded with except with the consent in writing of the objecting party.

14. All costs charges and expenses (taxed where applicable as between solicitor and client) of and preliminary and incident to the preparation and execution of these presents and of and to the conveyance to the Board of the district portion of the Company's undertaking and of and to the acquisition of any property acquired between the tenth day of May one thousand eight hundred and ninety-three and the day on which the said sale and purchase shall be actually completed by the Company at the request or with the consent of the Board for the purposes of the district portion of the Company's undertaking and of and to the valuation referred to in Article 4 of these presents and of and to the preparing for obtaining and passing of the said Bill or otherwise in relation thereto whether incurred by the Company or by the Board shall be paid by the Board.

15. If any question or difference shall arise between the Company and the Board as to the construction or meaning of these presents or as to the performance and carrying out of the same by either party or as to any other matter arising out of or connected with the subject-matter of these presents such question or difference shall be determined by an arbitrator to be jointly appointed by the Company and the Board or in default of such appointment within two months after a request in writing by either of the parties to the other of them to concur in an appointment by an arbitrator to be appointed on the application of either of the parties by the President for the time being of the Incorporated Law Society and the reference of any such question or difference as aforesaid shall be deemed to be a submission within the meaning of the Arbitration Act 1889.

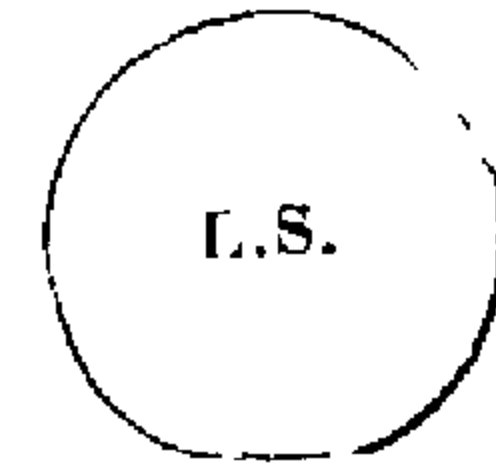
In witness whereof the Company and the Board have caused their respective common seals to be hereunto affixed the day and year first above written.

The common seal of the Abertillery Local Board
was hereunto affixed in the presence of
L. R. ROGERS Chairman.



The common seal of the Brynmawr and Abertillery
Gas and Water Company was hereunto affixed
in the presence of

JAMES PHILLIPS Chairman.
THOMAS ACLAND Secretary.



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