



CHAPTER lxi.

An Act to enable the urban district council of Aberdare to execute street improvements to authorise them to discontinue trolley vehicle services to confer further powers on them with respect to tramways and omnibuses the supply of electricity and water and the health local government and improvement of their district and for other purposes. [29th July 1927.]

A.D. 1927.

WHEREAS the district of Aberdare in the county of Glamorgan (in this Act referred to as "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Aberdare (in this Act referred to as "the Council"):

And whereas it is expedient that the Council should be authorised to make and maintain the street improvements and works in this Act authorised and to acquire lands for the purposes thereof:

And whereas in pursuance of compulsory powers conferred upon them by section 82 of the Aberdare Urban District Council Act 1911 (in this Act referred to as "the Act of 1911") the Council have purchased from the most Honourable the Marquess of Bute and Earl of Dumfries certain lands within the district fronting High Street and Church Street for the purpose of a central library or in connection therewith and the

A.D. 1927. conveyance of the said lands dated the fourteenth day of May one thousand nine hundred and seventeen provides that the Council shall hold the same subject to the provisions of the said Act and more particularly section 82 of the said Act :

And whereas by reason of the increased cost of building due to the war and other circumstances it has been found impracticable to proceed with the erection of a public library on the said lands and it is expedient that the Council should be empowered to appropriate the lands for other purposes or to sell the same :

And whereas by the Act of 1911 and the Aberdare Urban District Council Act 1915 (in this Act referred to as "the Act of 1915") the Council were empowered to construct work and use certain tramways and to provide and maintain trolley vehicles and omnibuses on certain routes within the district :

And whereas the running of trolley vehicles on certain routes authorised by the Acts of 1911 and 1915 in respect of which the necessary overhead electrical equipment has been provided has been found impracticable or uneconomical and it is expedient that the Council should be empowered to abandon the whole of the trolley vehicle routes authorised by the Acts of 1911 and 1915 and that the powers of the Council in relation to their tramway undertaking should be enlarged and extended as by this Act provided :

And whereas it would be of local and public advantage if the Council were empowered to run omnibuses throughout the district :

And whereas it is expedient to extend the area of the Council for the supply of electricity and to increase the powers of the Council with regard to the supply of electricity as by this Act provided :

And whereas by virtue of the Aberdare Local Board Waterworks Act 1870 and the Aberdare Local Board Waterworks Act 1894 the Council are the owners of waterworks and are empowered to supply and are supplying water within the district and part of the parish of Penderyn in the rural district of Vaynor and Penderyn :

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And whereas it is expedient to increase the powers of the Council with regard to the supply of water as by this Act provided :

And whereas it is expedient that further powers be conferred upon the Council for the regulation of streets buildings sewers and drains and other sanitary matters and otherwise in relation to the health local government regulation and improvement of the district :

And whereas it is expedient that further borrowing powers for the purposes of this Act and for the other purposes hereinafter referred to should be conferred upon the Council :

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

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

And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For the purchase of land for and the construction of the street works authorised by this Act - - -	6,222
For the provision and equipment of omnibuses - - - - -	6,750

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

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book 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 Glamorgan which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

A.D. 1927.

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Aberdare Urban District Council Act 1927.

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Street works.

Part III.—Lands.

Part IV.—Discontinuance of trolley vehicles and provisions as to omnibuses and tramways.

Part V.—Electricity.

Part VI.—Water supply.

Part VII.—Streets buildings sewers and drains.

Part VIII.—Infectious disease and sanitary provisions.

Part IX.—Financial.

Part X.—Miscellaneous.

Incorporation of
Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (that is to say):—

(1) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands:

Provided that the bond required by section 85 of the said Act of 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section;

- (2) The Waterworks Clauses Act 1847 except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 and except sections 75 to 83 of that Act; A.D. 1927.
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- (3) The Waterworks Clauses Act 1863;
- (4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway; and
- (5) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as amended by the Electricity (Supply) Acts 1882 to 1926:

Provided that sections 23 and 65 of the said schedule shall apply to the area added by this Act to the area of supply under the Order of 1902 as if the Council were the local authority.

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

Interpreta-
tion.

"The district" means the urban district of Aberdare;

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

"The clerk" "the treasurer" "the medical officer" "the surveyor" and "the sanitary inspector" mean respectively the clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the district and respectively include any person duly authorised to discharge temporarily the duties of those officers;

"The district fund" and "the general district rate" mean respectively the district fund and general district rate of the district until the date of the first new valuation as defined in

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- the Rating and Valuation Act 1925 and thereafter the general rate fund and general rate of the district;
- “The Order of 1902” means the Aberdare Electric Lighting Order 1902 which was scheduled to and confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1902;
- “The Act of 1905” means the Aberdare Urban District Council Act 1905;
- “The Act of 1911” means the Aberdare Urban District Council Act 1911;
- “The Act of 1915” means the Aberdare Urban District Council Act 1915;
- “The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;
- “The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;
- “The street works” means the new street street widenings and improvements and the works in connection therewith respectively by this Act authorised;
- “The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- “The tramway undertaking” means the tramway undertaking of the Council as from time to time authorised including the undertaking of the Council in respect of the provision and running of omnibuses;
- “Road authority” means the authority body or person by whom any road or part of a road in relation to which the expression is used is maintained and repaired;
- “Telegraphic line” has the same meaning as in the Telegraph Act 1878;

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- “The electricity limits” means the area within which the Council are authorised by this or any other Act or Order to supply electricity;
- “The electricity undertaking” means the electricity undertaking of the Council as from time to time authorised;
- “The water limits” means the limits within which the Council are for the time being authorised to supply water;
- “The water undertaking” means the water undertaking of the Council as from time to time authorised;
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the district;
- “Child” means a person under the age of fourteen years;
- “Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday;
- “Food” includes every article used for food or drink by man other than drugs or water;
- “Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;
- “Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertaking or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council;
- “Statutory security” and “statutory borrowing power” have the same respective meanings as those assigned to them by the Act of 1911.

PART II.

STREET WORKS.

5. Subject to the provisions of this Act the Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the new

Power to make street works.

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street street widenings and improvements and other works hereinafter described together with all necessary works approaches embankments retaining walls and conveniences connected therewith or incident thereto The street works hereinbefore referred to will be situate wholly in the district and are :—

Work No. 1 A new street commencing at a point four yards southward of the northern side of the house known as No. 29 Brynhenlog Terrace Godreaman and terminating at the junction of Mount Hill Street with Brook Street;

Work No. 2 A widening and improvement of Gwawr Street and Brook Street commencing at a point eight yards north eastward of the south corner of No. 7 Kiln Street proceeding in a north-westerly direction to the junction of Brook Street with Gwawr Street thence in an easterly direction and terminating at the junction of Gwawr Street with Cardiff Road including the covering over of Gwawr Brook between Brook Street and Cardiff Road.

Temporary
stoppage
of streets.

6.—(1) The Council during and for the purpose of the execution of the street works may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or from any house in the street from passing along and using the same.

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

Carriage-
way foot-
way sewers
and other
works.

7. Subject to the provisions of this Act the Council may—

(a) cause such parts of the street works to be laid out for carriageway and such parts thereof for footway as they may think proper;

(b) lay out enclose and maintain as gardens or open spaces any lands for the time being belonging to them adjacent to any of the street works; and

(c) upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults.

cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of or in connection with the street works. A.D. 1927.
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8. The following sections of the Act of 1915 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the street works by this Act authorised:—

Section 39 (Limits of deviation for street works);

Section 40 (Power to make subsidiary works);

Section 41 (Power to alter steps areas and pipes);

Section 42 (Lands on which street works are constructed to be part of public streets).

Applying certain provisions of Act of 1915 to street works.

PART III.

LANDS.

9. Subject to the provisions of this Act the Council may enter upon take and use for the street works and for the providing of space for the erection of buildings adjoining or near to the street works all or any of the lands delineated on the deposited plans and described in the deposited book of reference relating to those works respectively. Power to acquire lands for street works &c.

10. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings. Power to enter upon property for survey and valuation.

11. In estimating the amount of compensation or purchase money to be paid by the Council in respect of the acquisition under the section of this Act of which the marginal note is "Power to acquire lands for street works Benefits to be set off against compensation.

A.D. 1927. &c.” of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensation in case of recently created interest.

12. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the following provisions shall apply and have effect (that is to say):—

(1) The tribunal shall not take into account any building erected or any improvement or alteration made or any interest in land created after the first day of November one thousand nine hundred and twenty-six and before the date of the passing of this Act if in the opinion of the tribunal the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act :

(2) Subject as is hereinafter in this section provided the tribunal shall not take into account—

(a) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any improvement or alteration reasonably necessary for properly maintaining such premises) made after that date which in the opinion of the tribunal materially enhances the value of such premises ; or

(b) any interest in land greater than that of a quarterly tenant created after the date of the passing of this Act :

(3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which

are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the Council of his intention to erect any building upon or to make any improvement or alteration (other than any such improvement or alteration as is excepted from paragraph (a) of subsection (2) of this section) of or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically described in the notice) and the Council do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

(a) subsection (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

(b) subsection (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said first day of November and before the date of the passing of this Act:

- (4) The Council shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Act.

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

Extinction
of private
rights of
way.

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

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Limit of
time for
compulsory
purchase
of lands.

14. The powers of the Council for the compulsory purchase of lands for the purposes of the street works shall cease on the thirty-first day of October one thousand nine hundred and thirty.

Power to
Council to
make agree-
ments with
owners of
property
&c.

15. The Council may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the street works or of the lands which the Council may acquire under the powers of this Act with respect to the sale by the Council to such person of any lands or property for such consideration as may be agreed upon between the Council and such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Council for the purposes of this Act.

Power to
reinstate
owners of
property.

16. The Council may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of the street works or any of them with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Council may pay or receive money for equality of exchange.

Powers
with
reference
to leases of
surplus
lands.

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

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

18. The following sections of the Acts of 1905 and 1915 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the lands by this Act authorised to be acquired (that is to say):—

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Applying certain provisions of Acts of 1905 and 1915 as to lands.

The Act of 1905—

Section 27 (Proceeds of sale of surplus lands).

The Act of 1915—

Section 44 (Correction of errors &c. in deposited plans and book of reference);

Section 48 (Power to retain sell lease exchange and dispose of lands);

Section 49 (Owners may be required to sell parts only of certain lands and buildings);

Section 50 (Persons under disability may grant easements &c.):

Provided that in the exercise of the powers of the said section 48 of the Act of 1915 as applied to the lands by this Act authorised to be acquired the Council shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained:

Provided also that the said section 49 of the Act of 1915 shall apply in respect of the houses buildings or manufactories described or referred to in the First Schedule to this Act.

19.—(1) Notwithstanding anything in section 175 of the Public Health Act 1875 or in section 82 (Erection of public libraries) of the Act of 1911 the Council may sell or otherwise dispose of or may appropriate for any purposes approved by the Minister of Health the lands referred to in subsection (4) of this section which were acquired by the Council under the powers of the said section 82 of the Act of 1911.

Appropriation for other purposes or sale of lands acquired for library site.

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(2) The Council shall not on any part of the lands which may be so appropriated for any purpose approved by the Minister of Health create or permit any nuisance and shall not on any such lands sink any well for the public supply of water or construct any cemetery burial ground destructor station for generating electricity sewage farm or hospital for infectious diseases unless after local inquiry and consideration of any objections made by persons affected the Minister of Health subject to such conditions as he thinks fit authorises the work or construction.

(3) The provisions of section 175 of the Public Health Act 1875 and of section 27 (Proceeds of sale of surplus lands) of the Act of 1905 shall extend and apply to and in relation to the lands referred to in this section so far as the same may be sold or otherwise disposed of by the Council.

(4) The lands referred to in this section are all those pieces or parcels of land together with the messuages or outbuildings sheds and erections thereon situate in the district in High Street and including the properties numbered 57 58 59 60 61 62 and 62A in High Street aforesaid and other lands and properties bounded on the east by Church Street and on the north and north-west by other properties in Cannon Street and High Street.

PART IV.

DISCONTINUANCE OF TROLLEY VEHICLES AND PROVISIONS
AS TO OMNIBUSES AND TRAMWAYS.Discontinu-
ance of
trolley
vehicle
routes.

20.—(1) The Council may relinquish and discontinue permanently the trolley vehicle routes authorised by the Acts of 1911 and 1915 and may remove sell and dispose of the overhead electrical and other equipment provided in connection therewith.

(2) As from the date of the passing of this Act all the powers liabilities duties or obligations conferred or imposed upon the Council by the Acts of 1911 and 1915 relating to the trolley vehicle routes by those Acts authorised shall cease and determine and the

following sections of the said Acts shall be repealed A.D. 1927.
(that is to say):—

Act of 1911—

- Section 31 (Power to provide and work trolley cars moved by electricity);
- Section 32 (Application of certain provisions of Tramways Act 1870);
- Section 34 (Saving of excise duties);
- Section 38 (Fares rates and charges);
- Section 39 (Period for completion of works);
- Section 42 (Conveyance of mails);

and so much of section 45 (Cheap fares for labouring classes) and section 49 (Penalty for not maintaining rails roads and overhead equipment) as applies to railless routes and trolley cars.

Act of 1915—

- Section 19 (Power to provide and work trolley cars moved by electricity);
- Section 20 (Application of certain provisions of Tramways Act 1870);
- Section 21 (Application of certain provisions of Act of 1911 as to trolley cars and railless routes);
- Section 22 (Vehicles not to be deemed light locomotives or motor cars);
- Section 23 (Fares rates and charges);
- Section 24 (Council to have exclusive right of using trolley car equipment);
- Section 25 (Period for completion of works);
- Section 26 (Trolley cars to be part of tramway undertaking for all purposes);
- Section 27 (Approval of trolley cars by Board of Trade);

and so much of section 30 (Application of certain provisions of Act of 1911 as to tramways and railless traction) as applies to railless routes and trolley cars.

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For pro-
tection of
Postmaster-
General.Power to
provide
and run
omnibuses.

21. Subsection (b) (4) of section 53 of the Act of 1911 shall be read and have effect as if the words "generated or used by or supplied to the Council" were inserted in that subsection in substitution for the word "generated."

22.—(1) Subject to the provisions of this Act the Council may in addition to and without prejudice to the exercise of their powers under section 36 (Power to provide and run motor omnibuses) of the Act of 1915 provide and maintain (but shall not manufacture) and may run omnibuses within the district.

(2) The provisions of subsections (2) to (5) inclusive of section 36 (Power to provide and run motor omnibuses) of the Act of 1915 shall extend and apply to any motor omnibuses provided by the Council under the provisions of this section.

(3) The provisions of sections 51 (Penalty on passengers practising frauds on the promoters) and 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Council as if they were carriages used on tramways.

Adaptation
of roads.

23.—(1) (a) Before the Council commence to run omnibuses under the powers of this Act over any road or part of a road (not being a road maintainable by a railway or canal company) it shall be determined by agreement between the Council and the road authority or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money in respect of any such bridge shall be payable by the Council to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

(b) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (a) of this subsection have been so agreed or determined the Council shall give notice in writing

to the road authority as to whether they intend to run omnibuses over the road or part of a road or bridge in question.

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(c) If the Council give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Council are to make any payment to the road authority under the provisions of paragraph (a) of this subsection the Council shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Council as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work Provided that the aggregate amount to be so paid by the Council shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(d) Notwithstanding anything in this subsection the Council shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from the date on which the Council shall commence to run omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

(e) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (c) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed or of any such bridge so strengthened.

(f) For the purposes of this subsection the expression "county bridge" shall include every bridge maintainable by a county council and in respect of such bridge the county council shall be deemed to be the road authority.

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(2) If any such adaptation alteration reconstruction or strengthening as aforesaid shall involve an alteration of any telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

(3) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Council in respect of extraordinary traffic by reason of the user of any highway by the omnibuses of the Council.

As to
bridges &c.
of railway
and canal
companies.

24. Nothing in this Act shall impose any obligation upon or enlarge any obligation of any railway or canal company to strengthen adapt alter or reconstruct any bridge or road maintainable by them respectively.

Fares and
charges.

25.—(1) Subject to the provisions of this section the Council may demand and take for passengers passengers' luggage above twenty-eight pounds in weight and parcels carried on the omnibuses provided under the Act of 1915 and this Act fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport.

Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Council or by any of the parties on whose representation the inquiry is held or partly by the Council and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

(2) Every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be

carried by hand and shall not occupy any part of a seat required for a passenger nor be of a form or description to annoy or inconvenience other passengers. A.D. 1927.

(3) The Council may if they think fit carry on the omnibuses passengers' luggage and small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but they shall not carry any other goods or animals.

(4) The fares and charges for the time being authorised under the provisions of this Act shall be paid to such persons and in such manner as the Council may by notice annexed to the list of fares and charges appoint.

(5) The words "demanding and taking such reasonable fares and charges for the conveyance of passengers therein or thereon as may be approved by the Board of Trade" contained in subsection (1) of section 36 (Power to provide and run motor omnibuses) of the Act of 1915 are hereby repealed.

26.—(1) The Council and any authority company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the district. Working and other agreements.

(2) The Council and any such authority company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

(a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services:

(b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants:

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(c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties:

(d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

Shelters
and waiting-
rooms.

27. The Council may on any omnibus route erect and maintain shelters or waiting-rooms and gangways for the accommodation of passengers and may with the consent of the road authority use for that purpose portions of the public streets or roads.

Cloak-
rooms &c.

28.—(1) The Council may provide cloak-rooms and rooms or sheds for the storage of bicycles and other vehicles at any depôt or building used by them in connection with the tramway undertaking and at any places on any tramway or omnibus route and the Council may make charges for the use of such cloak-rooms and sheds and for the deposit of articles and things and bicycles and other vehicles therein.

(2) The Council may use for the purpose of this section portions of the public streets or roads but only with the consent of the road authority.

Council may
appoint
stopping
and starting
places.

29. The Council may appoint the stations and places from which the omnibuses of the Council shall start or at which they may stop for the purposes of taking up or setting down passengers and may fix the time during which such omnibuses shall be allowed to remain at any such place.

For pro-
tection of
Great
Western
Railway
Company.

30. The Council shall not under the powers of the sections of this Act of which the marginal notes respectively are "Shelters and waiting-rooms" "Cloak-rooms &c." and "Council may appoint stopping and starting places" (except with the consent in writing of the Great Western Railway Company under the hand of their secretary or general manager) erect maintain or provide any shelter waiting-room cloak-room room or shed or appoint any starting or stopping station or place so as to cause interference with or render less convenient the access to or exit from any station depôt or property belonging to the Great Western Railway Company nor without the

like consent shall any such cloak-room room or shed be erected maintained or provided on any bridge carrying any street or road over the railways of the railway company or on the approaches to any such bridge.

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31.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Council may on any occasion run and reserve tramcars and omnibuses on any route on which the Council are for the time being authorised to run tramcars and omnibuses for any special purpose which the Council may consider necessary or desirable Provided that such special tramcars and omnibuses shall be distinguished from other tramcars and omnibuses in such manner as the Council may direct and that during the running of such special tramcars and omnibuses the Council shall maintain a reasonably sufficient ordinary service of tramcars and omnibuses as the case may be.

Power to reserve tramcars and omnibuses for special purposes.

(2) The Council may make byelaws and regulations for prohibiting the use of any such tramcars and omnibuses by any persons other than those for whose conveyance the same are reserved Provided that any such byelaws and regulations shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(3) The restrictions contained in this or any other Act as to fares or charges for passengers shall not extend to any tramcars and omnibuses run for such special services as aforesaid and in respect thereof the Council may demand and take such fares rates or charges as they shall think fit.

32. The Council may run through omnibuses along any route upon which they are authorised to run omnibuses and such omnibuses shall be distinguished from other omnibuses in such manner as may be directed by the Council and they may demand and take for every passenger by such omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such omnibus Provided that during the running of such through omnibuses the Council shall maintain a reasonably sufficient ordinary service of omnibuses.

Through omnibuses.

A.D. 1927.

Power to
Council to
suspend
running of
cars &c.

33. The Council may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Council or during the time of any public meeting procession or demonstration or for any other purpose which the Council having regard to the good government of the district or the safety of the public may deem necessary order that the working of any tramcars and omnibuses for the time being belonging to or worked by the Council shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Council shall not be liable to pay compensation for damage in respect thereof.

Removal of
obstruc-
tions.

34. If any obstruction to the traffic on any of the tramways of the Council is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Council may so remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction.

Attach-
ment of
signs indi-
cating
stopping
places to
lamp-posts
&c.

35.—(1) The Council may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any omnibus route signs or directions indicating the position of stopping places for omnibuses. Provided that in cases where the Council are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Council shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Council shall not attach any such sign or direction to any pole post or standard belonging to the

Postmaster-General except with his consent in writing or belonging to any railway company except with their consent in writing which shall not be unreasonably withheld. A.D. 1927.
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36. Any property found in any tramcar or omnibus of the Council or in any shelter or waiting-room in connection with the tramcars or omnibuses of the Council shall forthwith be taken to a place to be appointed for the purpose by the Council and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking. Lost property.

37. If any person wilfully and unlawfully does or causes to be done with respect to any omnibus of the Council anything which is calculated to obstruct or interfere with the working thereof or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and shall be liable to a penalty not exceeding twenty pounds. Penalty for malicious damage.

38. Subject to the provisions of this Act the omnibus undertaking authorised by this Act shall form part of the tramway undertaking. Omnibuses to form part of tramway undertaking.

39. The Council shall in every year within three months after the closing of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister a copy of the annual accounts of the tramway undertaking. Accounts to be furnished to Minister of Transport.

PART V.

ELECTRICITY.

40.—(1) There shall be added to the area of supply for the purposes of the Order of 1902— Added area of supply.

(a) so much of the parish of Penderyn in the rural district of Vaynor and Penderyn as lies to the west of an imaginary straight line drawn due north and south through the eastern extremity

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of Berth-lwyd Cottage for a distance of 323 yards in a southerly direction to the parish boundary and 343 yards in a northerly direction and to the south-west of an imaginary straight line commencing at a point 343 yards due north of the said Berth-lwyd Cottage and terminating on the parish boundary at the ford which carries the road from Gelli-ben-uchel over the Afon Cynon;

- (b) so much of the parish of Rhigos Hamlet in the rural district of Neath as lies to the east of an imaginary line drawn from the ford last described in a straight line in a south-westerly direction to the most easterly point of the Hirwaun Cemetery lodge thence in a southerly direction in a straight line to the most easterly extremity of the hayshed on the main road from Neath to Hirwaun 900 yards or thereabouts in a south-easterly direction from Willows Farm and thence in an easterly direction in a straight line to the point at which the Tower Colliery railway crosses the Nant-y-Bwlch;

and the Council may within or in respect of the said parts of the said parishes exercise all or any of the powers conferred upon the Council by the Order of 1902 and subsequent Acts in relation to the electricity undertaking.

(2) The Council shall within six months from the passing of this Act deposit at the office of the Electricity Commission an Ordnance map on a scale of not less than six inches to the mile showing the boundaries of the area which is added to the said area of supply under the provisions of this section.

Compul-
sory works.

41. The streets and parts of streets in the said parishes throughout which the Council are to place suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the passing of this Act as mentioned in section 21 of the schedule to the Electric Lighting (Clauses) Act 1899 are as follows:—

Parish of Penderyn—

Station Road Pandy John's Row from Station Road to its junction with the lane leading to Cynon Place and along the said lane for a

distance of fifty yards Cefn-y-don Row Elm Grove Penyard Road Broniestyn Terrace Tudor Avenue Ironworks Road Crawshay Street Merthyr Road from the boundary between the district and the parish of Penderyn at Mill Street Bridge to the house known as Bryn-cynon. A.D. 1927.

42. Any payment due to the Council for the sale or hire of lamps meters electric lines fuses switches fittings lampholders motors and other apparatus and things for lighting and motive power or in respect of the provision of materials or for executing works under the provisions of section 12 (Power to supply electric fittings) of the Act of 1905 may be recovered summarily as a civil debt but any such payment shall only be so recoverable when the sum due to the Council comprises in addition charges for current supplied or is an inclusive amount comprising charges for current as well as in respect of the other matters and things referred to in this section. As to charges for electric fittings &c.

43.—(1) If any consumer of electricity supplied by the Council under the terms of any agreement uses the electricity supplied to him by the Council in any manner contrary to the terms of such agreement the Council may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement. Provided that before discontinuing any such supply the Council shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement. Provisions as to supply of electricity by agreement.

(2) A consumer supplied with electricity by the Council under the terms of any agreement shall be deemed to be a person to whom the Council may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Council under such agreement unless the provisions of that section are expressly excluded from application in the agreement and if the Council fail to supply energy to such consumer

A.D. 1927. they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Council:

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the date of the passing of this Act of any right to which he would be entitled but for the said provisions.

Use for
lighting
purposes of
electricity
supplied
for power.

44.—(1) No consumer to whom electricity is supplied by the Council for power purposes shall without the consent in writing of the Council use such electricity for lighting purposes or suffer it to be so used.

Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Council through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for power purposes shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Council at such higher rate as they may be for the time being charging for the supply of electricity for lighting purposes for all or any portion of the electricity which has been supplied to him for power purposes within one year previous to the date when the Council shall sue for any penalty as aforesaid.

Any court having jurisdiction to impose such penalty may and shall on the application of the Council decide the amount of such electricity in respect of which the higher charge as aforesaid shall be payable to the Council.

(2) The provisions of section 18 of the Electric Lighting Act 1909 shall apply to any person whom the Council have reasonable grounds for believing to be acting contrary to the provisions of this section.

Power to
lay electric
mains in
private
streets.

45.—(1) The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not repairable by the inhabitants at large within the electricity limits supply such premises with electrical energy and may lay down take up alter relay or renew in across or along

such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1926 and of the schedule to the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purposes of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

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(2) The powers conferred by this section shall not extend to any street which is repairable by and forms the approach to any station or depôt of a railway company unless the consent of such company is obtained by the Council but such consent shall not be unreasonably withheld and if any difference arises between such company and the Council as to whether such consent is in any case unreasonably withheld the difference shall be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

46.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Council shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless the consumer shall pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Council in order to meet the possible maximum demand for his premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

As to maximum power which may be demanded.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

47. The Council may make byelaws for the purpose of preventing fire in any building or premises supplied with electricity by the Council with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such

Byelaws as to apparatus and fittings.

A.D. 1927. supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section :

Provided that nothing contained in this section or in any byelaw to be made thereunder shall apply to or in respect of any building or premises (other than a dwelling-house) belonging to a railway company and used only as railway premises.

Period of error in defective meters.

48.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity within the electricity limits being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Council.

Notice to discontinue supply of electricity.

49.—(1) A notice to the Council from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left at the office of or sent by post to the Council or be given by the consumer personally at the office of the Council.

(2) Notice of the effect of this section shall be endorsed upon any demand note for charges for electricity.

Entry upon premises Penalty for obstruction.

50.—(1) Any person who shall hinder an officer appointed by the Council from entering any premises in pursuance of section 24 of the Electric Lighting Act 1882 or of that section as extended by section 16 of the Electric Lighting Act 1909 or from exercising the powers contained in those sections shall be liable to a penalty not exceeding five pounds.

(2) Where any premises which the Council are entitled to enter in pursuance of the said sections or either of them are unoccupied the Council may after giving not less than forty-eight hours' notice to the

owner thereof or (if he is unknown to the Council and if he cannot be ascertained by them after diligent inquiry) after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage. A.D. 1927.

51.—(1) Any expenses incurred by the Council in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Council under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses. Receipts and expenses.

(2) Any moneys received by the Council under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

52.—(1) The Council and any local authority company or person authorised by Act of Parliament or Order confirmed by Parliament or by a Special Order under the Electricity (Supply) Act 1919 to produce or supply electricity may enter into and carry into effect contracts for the supply by the Council beyond the electricity limits to any such local authority company or person or by any such local authority company or person to the Council of electricity in bulk upon and subject to such terms and conditions as may be agreed upon but nothing in this section shall authorise any party to any such contract (not being otherwise so authorised) to lay any mains or electric lines or to interfere with any street. Contracts for supply of electricity in bulk.

(2) Any contract entered into under the provisions of this section shall be submitted to the Electricity Commissioners for their approval.

(3) Section 18 (Supply of electrical energy outside district) of the Act of 1905 is hereby repealed.

PART VI.

WATER SUPPLY.

53.—(1) Where water is supplied by the Council to any house to which this section applies the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered from Rates payable by owners in certain cases.

A.D. 1927. the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) The houses to which this section applies are—

(a) in a rating area in which a resolution under subsection (1) of section 11 of the Rating and Valuation Act 1925 is in force any house to which such resolution applies; and

(b) elsewhere any house let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year.

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

Revision of
water rates
&c.

54. The Minister of Health may if he thinks fit from time to time on the application of the Council or of a local authority having jurisdiction within the water limits by order vary either by way of increase or decrease the rates and charges for the supply of water which the Council are by the Aberdare Local Board Waterworks Act 1870 or this Act authorised to charge and any such order may provide for the alteration of the basis of such rates and charges :

Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister to provide a reasonable sum as a contribution towards a reserve fund so long as such fund does not amount to the maximum prescribed by the section of this Act of which the marginal note is " Reserve funds."

Dates for
payment of
water rates
&c.

55. Notwithstanding the provisions of section 70 of the Waterworks Clauses Act 1847 the Council may from time to time by resolution declare that all or any of the rates rents and charges which they are by this Act or any other Act or Order relating to the water undertaking authorised to demand and make shall commence and be payable at such time or times

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as the Council may by any such resolution determine
Provided that nothing herein contained shall authorise
the Council to require the payment of any rate rent
or charge under this Act or any other Act or Order
relating to the water undertaking more than three
months in advance.

56. When water of the Council supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Council may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum (and where more motor cars than one are ordinarily kept a further sum not exceeding ten shillings per annum for each motor car beyond the first as the Council may prescribe) and any sum charged under the provisions of this section shall be paid quarterly in advance and be recoverable in the same manner as water rates.

Supply of water by hose-pipe to stables &c.

57.—(1) The Council shall not be bound to supply with water otherwise than by measure (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse public institution hospital asylum (whether public or private) sanatorium club hotel public-house or inn or (c) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein or (d) any school not maintained by the local education authority.

Supply of water to houses partly used for trade &c.

(2) Where a supply of water to a farm-house is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Council to refuse a supply of water for domestic purposes to a farm-house at the ordinary rate calculated on the annual value thereof.

(3) The minimum quarterly charge for a supply of water by measure to any of the premises in this section mentioned shall be one fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same annual value.

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Period of
error in
defective
meters.

58.—(1) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as charges for water supplied by meter are recoverable by the Council.

Byelaws for
preventing
waste &c. of
water.

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

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

(3) Such byelaws shall not apply to any water fittings used on the premises of any railway company other than premises to which the Council are bound under the Waterworks Clauses Act 1847 to afford a constant supply.

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

Council from the person on whose credit the water is supplied as the water rates in respect of the premises are recoverable. A.D. 1927.
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60. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. Power to sell meters.

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

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

63.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained. Injuring meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring

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water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *primâ facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to
supply
water
fittings.

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

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

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(3) Subject to the proviso to subsection (2) of this section all fittings let by the Council on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removeable by the Council Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows :—

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

(b) When a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of providing such fittings or the repairing fixing or removal thereof such sum shall be clearly stated in such demand note;

(c) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

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

Penalty for closing valves and apparatus.

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Penalty for
interfering
with valves
&c.

66. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of the supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Meters in
streets to
measure
water or
detect
waste.

67.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Council may for the purposes of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus.

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

(3) Provided also that the Council shall not without the previous consent of a railway company exercise the powers of this section in respect of any street road land footway court or passage which is the property of or maintained by such railway company but such consent shall not be unreasonably withheld.

Separate
communi-
cation
pipes may
be required.

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

(2) If the owner of any house supplied with water by the Council when so required in pursuance of the preceding subsection fails within a period of one month

after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Council may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

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69. Notwithstanding anything contained in any Act relating to the Council the Council shall have the exclusive right of executing any works on any of the water mains of the Council for connecting any communication pipe therewith and the Council shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Council execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Council in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Council to connect communication pipes with mains.

70.—(1) If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been ascertained the expense incurred by the Council for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

Power to Council to repair communication pipes.

(2) Provided that except in case of emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and in any case where the communication pipe is repairable by the owner of such house or premises to such owner not less than twenty-four hours' previous notice of their intention so to enter.

A.D. 1927:

Maintenance of
common
pipe.

71. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council.

Contracts
for supply-
ing water
in bulk.

72. The Council may enter into and carry into effect agreements with any authority water board company or person for the supply of water beyond the water limits to any such authority board company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

Provided that—

- (a) Such supply shall not be given except with the consent of any authority board company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits;
- (b) Nothing in this section shall authorise the Council to lay any mains or other pipes or to interfere with any street beyond the water limits; and
- (c) Nothing in this section shall prejudice or affect the operation of section 29 (Restriction on supply in bulk by constituent authorities) of the Taf Fechan Water Supply Act 1921.

Dwelling-
houses for
persons in
Council's
employ-
ment.

73. The Council may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the water undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Council for the purposes of the water undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Council for the purposes of the water undertaking.

74.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. A.D. 1927.
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Opening of ground by person liable to maintain pipes &c.

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

75. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the waterworks engineer or some other officer of the Council to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal. Power to remove meters and fittings.

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS.

76.—(1) Every person who intends to lay out a new street shall in addition to the information required to be supplied to the Council by virtue of any enactments or byelaws with respect to streets and buildings in force within the district distinctly define and mark on a plan drawn to such scale as the Council may require and to be prepared and submitted by such person to the Council for their approval the proposed line of frontage of any house or building to be erected in or fronting such street Frontage line in new streets.

A.D. 1927. (in this section called "the building line") and the Council shall within six weeks after the date of submission thereof signify to the person submitting the same their approval or disapproval thereof.

(2) The Council may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already laid out upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Council or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed by the Council and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Council.

(5) In the event of the Council requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or of their prescribing a building line at a greater distance from the centre of a street already laid out than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Council shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Council determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts. A.D. 1927.

(8) Any person deeming himself aggrieved by any requirement of or by the Council under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(9) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

77. The power of the Council to make byelaws with respect to secondary means of access under section 23 of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect fronting a street or intended street terraces or other continuous blocks of houses not giving access through their own grounds to the backs of such houses to make and construct a back and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws. Secondary means of access.

78. The power of the Council to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine. For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street. Byelaws as to intersecting streets.

79.—(1) The Council may with the consent of the owner of any building wall or bridge attach to that structure such brackets wires lamps and apparatus as may be required for lighting any street : Attach-ment of lighting brackets and wires to buildings.

Provided that—

- (a) where in the opinion of the Council any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having

A.D. 1927.

regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid;

- (b) any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be required to be removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section;
- (c) the owner may require the Council temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

(2) For the purposes of this section any occupier of a structure whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

As to fore-
courts.

80.—(1) In any case in which the forecourt of any premises adjoining a street is a source of danger obstruction or inconvenience to the public or in which any steps or projection are or is placed in any such forecourt or any goods are placed therein whether for sale or not the Council may require the owner of the premises well and sufficiently to fence such forecourt from the street.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

81.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

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Erection of buildings to greater height than adjoining buildings.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

82.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Food storage accommodation to be provided.

(2) (a) Every dwelling-house the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Council requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(b) Any person aggrieved by any requirement of the Council under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Council under this subsection.

(3) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Council

A.D. 1927. under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

As to
dangerous
buildings.

83.—(1) In the case of any building which may appear to the Council on the report of any duly qualified officer to be dangerous to the inmates or to persons working therein the Council may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Council in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Council with respect to dangerous structures.

Removal of
dilapi-
dated and
neglected
buildings.

84.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Council may order the owner at his option to take down or repair or rebuild such building (in this section referred to as a "neglected structure") or any part thereof or otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Council may with all convenient speed enter upon the neglected structure and execute the order.

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(3) Where the order directs the taking down of a neglected structure or any part thereof the Council in executing the order may remove the materials to a convenient place and (unless the expenses of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Council under this section in relation to a neglected structure may be deducted by the Council from the proceeds of the sale and the surplus (if any) shall be paid by the Council on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs.

85.—(1) (a) No fence hoarding or other similar structure (in this section referred to as a “structure”) of a greater height than six feet six inches shall be erected or brought forward on any land in any street—

As to
hoardings
and similar
structures.

- (i) beyond any building line prescribed by the Council under the provisions of any enactment for the time being in force within the district; or
- (ii) if there be no such line beyond any line which is enforceable by the Council for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may take down or remove

A.D. 1927. any structure erected in contravention of those provisions and recover the expense incurred by them in so doing from the offender.

(2) (a) The Council may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Council shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Council given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the date of the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

As to
repair of
hoardings.

86. The Council may by notice in writing require the owner of any hoarding to maintain the same and any advertising matter thereon in good order and condition and if any owner shall neglect or refuse to comply with any such notice the Council may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from the owner any expense incurred by them in so doing.

As to
erection of
retaining
walls.

87.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Council plans sections

and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Council.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Council requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Council be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

88.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners subject to a right of appeal under subsection (4) of this section.

Combined
drains.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Council shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Council under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Council intimating the amount payable

A.D. 1927. or their apportionment thereof On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Provision
in lieu of
section 19
of Public
Health Acts
Amend-
ment Act
1890.

89.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Council shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Council may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Council may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the district.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

As to
defective
drains &c.

90.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Council may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirements contained in any notice given under this section or work done by the Council was reasonable and whether the expenses incurred by the Council in doing such work or any part thereof

ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case. A.D. 1927.

91. Nothing in this Part of this Act except the sections whereof the marginal notes are—

Partial saving for railway companies.

Secondary means of access;

Attachment of lighting brackets and wires to buildings;

As to hoardings and similar structures;

As to repair of hoardings;

Combined drains;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or lands are used or held by such company primarily for railway or dock purposes.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

92.—(1) No person being the parent or having the charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Council or the education committee of the Council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application)

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

A.D. 1927. that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings.

Power to close Sunday schools in certain events.

93.—(1) If the Council or any committee of the Council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

Special provisions to prevent spread of infectious diseases.

94. Any parent or other person liable to maintain a child in attendance at a school (including a Sunday school) who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings :

Provided that in any proceedings under this section a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

Extended meaning of "infectious disease" for certain purposes.

95.—(1) For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles whooping cough chicken pox ringworm and influenza as well as infectious disease as defined by the section of this Act of which the marginal note is "Interpretation."

(2) For the purposes of section 126 of the Public Health Act 1875 as amended by section 62 of the Public Health Acts Amendment Act 1907 the expression "dangerous infectious disorder" includes infectious disease as defined by the section of this Act of which the marginal note is "Interpretation" and also (in the case of exposure in covered buildings or public conveyances) measles and whooping cough.

A.D. 1927.

96.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

Penalty on withholding information from medical officer.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

97. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Persons to furnish names of laundrymen to whom clothes &c. from infected houses are sent.

98.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the district omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar

For regulating manufacture and sale of ice-cream &c.

A.D. 1927. commodity to give notice thereof to the medical officer shall be liable for every such offence to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Council in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Council shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) Every vendor of or dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Council would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

99. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any article of food intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly:

A.D. 1927.
—
Further powers in relation to unsound meat.

Provided that nothing in this section shall authorise the inspection examination and search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or any basket sack bag or parcel in the possession of such company as carriers thereof.

100.—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

Medical practitioners to notify cases of food poisoning.

(2) The Council shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

101.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Council that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Council duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer

As to filthy premises.

A.D. 1927. — to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 of the Summary Jurisdiction Act 1879.

(2) Any expenses incurred by the Council under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

Byelaws as
to meat.

102.—(1) The Council may make and enforce byelaws for preventing meat (other than foreign meat or meat which has been inspected and passed as fit for the food of man by a medical officer of health or a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of the district in which the animal has been slaughtered) brought into the district and intended for the food of man from being used for the food of man or being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Council.

(2) Provided that any byelaws made by the Council under this section shall provide—

(a) that any person bringing any meat (other than foreign meat or meat which has been inspected and passed as fit for the food of man by a medical officer of health or a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of the district in which the animal has been slaughtered) into the district shall give to the medical officer or sanitary inspector reasonable notice thereof in writing and of the day and hour and place in the district at which the meat can be inspected as aforesaid; and

(b) that if within such reasonable period after the notified hour as may with due regard to the requirements of the trade be prescribed by the byelaw an officer of the Council shall not have attended at the place so notified for the purpose of inspection the restriction in subsection (1) of this section referred to shall not apply to the meat in respect of which the notice was given.

103. If any person shall at the request of the Council acting on the advice of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

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Compensation to persons ceasing employment.

104.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed in the cooking preparation or handling of food (other than milk to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply) intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Council may request such person to discontinue his employment and on such request being made the Council may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

Power to prohibit persons suffering from tuberculosis from handling &c. food.

(2) If any such person shall fail to comply with such request the Council may apply to a court of summary jurisdiction for an order requiring him to discontinue his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Council to such person.

(3) If such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

105.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) or any part thereof would tend to prevent or check tuberculosis the clerk shall give notice in writing to the owner or occupier of such building that the same or such part thereof will be cleansed and disinfected by and at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four hours from the receipt of the notice that he will cleanse and disinfect

Disinfection in case of tuberculosis.

A.D. 1927. — the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by and at the cost of the Council under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by and at the cost of the Council under the superintendence of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Council may by any person who shall be authorised in that behalf in writing under the hand of the clerk and who shall produce his authority enter on any premises between the hours of nine o'clock in the forenoon and six o'clock in the afternoon.

(d) Every person who shall wilfully obstruct any person duly authorised by the Council in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Council in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to the Council for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Council and returned to the owner free of charge.

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(3) If any person sustains any damage by reason of the exercise by the Council of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Council and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

106.—(1) The Council may make byelaws for promoting sanitary and cleanly conditions in the transport or the conveyance through the streets of the district of any article intended to be sold for food.

Byelaws as to transport &c. of food.

(2) At least one month before applying to the Minister of Health for confirmation of any byelaws made under this section applicable to the transport by a railway company of any article intended for food the Council shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister of Health with regard thereto.

107.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

Penalty on original vendor of unsound food.

(2) Where any animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section) the person to whom the same belongs or did belong at the time of deposit of such animal or article for the purpose of sale or of preparation for sale as well as the

A.D. 1927. persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said animal or article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section) is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Regulation
dustbins.

108.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Council.

(2) Every owner or occupier having provided dustbins pursuant to this section shall maintain the same in good order and condition and shall remove or fill in to the reasonable satisfaction of the sanitary inspector any ashpit for which the same has been substituted.

(3) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under subsection (1) of this section or who fails to comply with his obligations under subsection (2) of this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(4) Except as is hereinafter provided this section shall not authorise the Council to require the provision of a dustbin thereunder in any case in which a receptacle

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in use at the first day of January one thousand nine hundred and twenty-seven is of suitable size and in proper order and condition. Provided that the Council may in any case they think fit require the provision of a dustbin in lieu of any ashpit in use at the first day of January one thousand nine hundred and twenty-seven but in such case they shall except where the medical officer or the sanitary inspector shall have certified that owing to wilful neglect on the part of the owner or occupier after due notice to keep the same in proper repair any such ashpit is in such a state as to create a nuisance or be injurious to health bear and pay such sum towards the expense of providing such dustbin (being not less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of such expenses shall be borne by the owner or occupier.

(5) Nothing in this section shall apply to any warehouse belonging to the Great Western Railway Company.

109.—(1) It shall not be lawful for any person to use any dustbin the contents of which are intended for removal by or on behalf of the Council for any purpose other than the deposit of dust cold ashes or other house refuse not being of a liquid or partly liquid character.

Restriction as to use of dustbins.

(2) Any person contravening the provisions of this section shall be liable to a penalty of ten shillings.

110.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Council it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Council under the hand of the clerk to cease to use such premises for the carrying on of such offensive trade :

Discontinuance of offensive trade.

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Provided that the formation or expression by the Council of an opinion under this subsection shall be deemed to be a determination of the Council within the meaning of the section of this Act of which the marginal note is "As to appeal" and that the provisions of the said section shall accordingly apply with respect to such opinion as well as to any requirement by the Council under this subsection.

(2) Any person who fails or neglects to comply with any requirement of the Council under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Council require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Council. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Council shall have been given for a period only unless the Council shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Council with reference to offensive trades.

Public notice to be given of provisions of this Part of Act.

111. Public notice of the effect of the provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the offices of the Council.

PART IX.

FINANCIAL.

Power to borrow.

112.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest

thereon they may mortgage or charge the revenues of the Council and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

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1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the purchase of land for the street works authorised by Part II of this Act.	£ 1,040	Sixty years from the date or dates of borrowing.
(b) For the construction of the street works authorised by Part II of this Act.	5,182	Thirty years from the date or dates of borrowing.
(c) For the provision and equipment of omnibuses.	6,750	Six years from the date or dates of borrowing.
(d) For working capital for the tramways undertaking of the Council.	8,000	Ten years from the date or dates of borrowing.
(e) For working capital for the electricity undertaking of the Council.	3,000	Ten years from the date or dates of borrowing.
(f) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Council also with the consent of the Electricity Commissioners may borrow such further money as may be necessary for any of the purposes of the electricity undertaking with the consent of the Minister of Transport may borrow such further money as may be necessary for the purposes of the tramway undertaking and with the consent of the Minister of Health may borrow such further money as may be necessary for any other of the purposes of this Act and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the revenues of the Council.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is borrowed.

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As to
section 234
of Public
Health
Act 1875.

Power to
use one
form of
mortgage
for all
purposes.

113. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Council may borrow the amount of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Council under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the total debt of the Council under those Acts.

114.—(1) Where the Council have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

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

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the dates of the respective mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

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

(5) There shall be kept at the office of the clerk a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without

fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds. A.D. 1927.

(6) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

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

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

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

115. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund, Investment of and payments into sinking fund.

A.D. 1927. fund or loans fund the following provisions shall have effect with respect thereto (that is to say):—

- (1) The Council may (in addition to any other powers for the time being vested in them) invest in statutory securities the yearly or other instalments paid to such fund and in the case of an accumulating sinking fund or loans fund the interest required to be accumulated in such fund:
- (2) In the case of an accumulating sinking fund or loans fund such annual sums as are equivalent to interest on the amount from time to time in that fund at the rate per centum per annum on which the payments of the yearly or other instalments to that fund are based shall be paid to that fund and provided out of the district fund and general district rate and all interest on the investments of the sinking fund or loans fund shall be carried by the Council to the credit of and shall form part of the revenue for the year of the district fund.

Use of moneys forming part of reserve and other funds.

116. Notwithstanding anything contained in any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals contingent superannuation insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

- (1) The moneys so used shall be repaid to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so decide repay the same at any time within the period aforesaid:

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power : A.D. 1927.
- (3) Any repayment made or interest paid shall be treated in the accounts of the Council as if it were the repayment of or the payment of interest on a loan raised under the statutory borrowing power :
- (4) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

117.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order the Council may if they think fit as from the thirty-first day of March one thousand nine hundred and twenty-eight or as from any succeeding thirty-first day of March establish a fund to be called “the consolidated loans fund” to which shall be paid as and when they are received— Consolidated loans fund.

- (a) all moneys borrowed by the Council whether by the issue of stock or other security together with any moneys borrowed without security in connection with the exercise of the statutory borrowing power ;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose ; and
- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers :

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all

A.D. 1927. moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Council as aforesaid before the date as from which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Council—

(a) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council; or

(b) in the redemption of stock or any other securities issued by the Council the purchase of stock for extinction or the repayment of any moneys borrowed by the Council:

And any moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the interest arising from the investments shall not be used or applied otherwise than as provided in this subsection.

(3) Save as in this section expressly provided all the obligations of the Council to the holders of stock or other securities of the Council shall continue in force.

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

All stock
and loans
to rank
equally.

118. Subject to any priority existing at the passing of this Act all stock of and loans to the Council and the dividends and interest thereon shall be charged indifferently on all the revenues of the Council and shall rank equally one with the other without any priority whatsoever.

Reserve
funds.

119.—(1) The Council may if they think fit maintain a reserve fund in respect of the tramway undertaking the water undertaking and the electricity undertaking (each of which is in this section separately referred to as

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“ the undertaking ”) or either of such undertakings by setting aside such an amount as they may from time to time think reasonable and investing the same in statutory securities (with power to vary and transpose such investments) until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding (except in the case of the tramway undertaking) a sum equal to one-tenth of the aggregate capital expenditure for the time being by the Council upon the undertaking in respect of which such fund is formed.

(2) Any reserve fund which has been formed for the purpose of the undertaking and which is in existence on the date of the passing of this Act shall be deemed to have been formed under this section.

(3) All interest received in any year from the investments of any reserve fund so formed shall be carried to and shall form part of the revenue for that year of the district fund but the reserve fund shall in that year be increased by a sum equal to the amount of such interest if and so far as the amount of the fund for the time being is less than the prescribed maximum.

(4) A reserve fund shall be applicable for the payment to the district fund in any year in which as shown by the accounts to be kept in pursuance of the provisions of the section of this Act of which the marginal note is “ Separate accounts in respect of certain undertakings ” the payments and expenses made and incurred in respect of the undertaking shall exceed the money received in respect of the same undertaking of a sum not exceeding the amount of such excess or for meeting any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or otherwise for the benefit of the undertaking and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(5) Resort may be had to a reserve fund under the foregoing provisions although the fund may not at the time have reached or may have been reduced below the prescribed maximum.

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Separate
accounts in
respect of
certain
under-
takings.

120.—(1) As from the thirty-first day of March one thousand nine hundred and twenty-eight the Council shall keep their accounts so as to distinguish capital from revenue and as regards the revenue account to show under a separate heading or division in respect of each of the following undertakings (that is to say) the tramway undertaking the water undertaking and the electricity undertaking (each of which is in this section separately referred to as "the undertaking") on the one side all receipts* (including the interest on any reserve fund authorised in connection therewith) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say) :—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Council for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) The amount (if any) paid to any reserve fund which the Council are from time to time authorised to maintain; and
- (e) All other expenses (if any) of the undertaking properly chargeable to revenue.

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

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

121. All moneys from time to time received by the Council on account of the revenue of the tramway water and electricity undertakings shall be carried to and shall form part of the revenue for the year of the district fund and all payments and expenses on revenue account made and incurred in respect of those undertakings shall be paid out of that fund.

A.D. 1927.
 —
 Receipts and expenses.

122. Nothing contained in this Act shall be deemed to authorise the Council to apply or dispose of the surplus revenue of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

Applica-
 tion of
 Electricity
 (Supply)
 Act 1926.

123. The Council shall keep the accounts in respect of the tramway undertaking so as to show separately (so far as may be reasonably practicable) the receipts and expenditure in regard to their tramways and omnibuses and in such accounts capital shall be distinguished from revenue.

Accounts
 of tramway
 under-
 taking.

124. All expenses incurred by the Council in carrying into execution the provisions of this Act except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for may be paid out of the district fund and general district rate.

Expenses
 of execu-
 tion of Act.

125. Where more persons than one are registered as joint holders of any stock or mortgage of the Council any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Council by any other of them.

Interest on
 mortgages
 held
 jointly.

126. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Receipt in
 case of
 persons not
 sui juris.

127. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply)

Evidence
 of transfer
 or trans-
 mission of
 securities.

A.D. 1927. — except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

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

128.—(1) The clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Council under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

129. Subject to the provisions of this Act the following provisions of the Act of 1905 shall apply for the purposes of this Act as if the same were with any necessary modifications re-enacted herein (that is to say) :—

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 —
 Applica-
 tion of
 financial
 provisions
 of Act of
 1905.

Act of 1905—

- Section 30 (Certain regulations of Public Health Act as to borrowing not to apply);
- Section 31 (Provisions as to mortgages);
- Section 32 (Protection of lenders from inquiry);
- Section 34 (Mode of payment off of money borrowed);
- Section 35 (Sinking fund) as amended by section 29 (Rate of accumulation of sinking fund payments) of the Aberdare Canal Act 1924;
- Section 38 (Power to borrow under Local Loans Act 1875);
- Section 39 (Application of money borrowed);
- Section 40 (Council not to regard trusts).

PART X.

MISCELLANEOUS.

130. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of Part VII (Streets buildings sewers and drains) and Part VIII (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Power to
 enter
 premises.

131. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Part VII (Streets buildings sewers and drains) and Part VIII (Infectious disease and sanitary provisions) of this Act or under any byelaw made thereunder respectively then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in

Penalty on
 occupier
 refusing
 execution
 of Act.

A.D. 1927.

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writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Consent of Council to be in writing.

132. All consents given by the Council under the provisions of this Act or of any enactment byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council.

As to breach of conditions of consent of Council.

133. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Expenses may be declared private improvement expenses.

134. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Damages and charges to be settled by justices.

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

136. Where under the provisions of this Act or any local Act in force in the district the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall save as otherwise expressly provided be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

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Apportionment of expenses in case of joint owners.

137. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

In executing works for owner Council liable for negligence only.

138. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Council under the powers of this Act except those made under Part IV (Discontinuance of trolley vehicles and provisions as to omnibuses and tramways) and Part V (Electricity) of this Act.

General provisions as to byelaws.

139. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any

Evidence of appointments authority &c.

A.D. 1927. committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the clerk shall be *prima facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Penalties to be paid over to treasurer.

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

Application of section 265 of Public Health Act 1875.

141. Section 265 of the Public Health Act 1875 shall extend and apply for the purposes of any enactment for the time being in force within the district.

Authentication and service of notices &c.

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

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Recovery of demands:

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

144. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of Part VII (Streets buildings sewers and drains) or Part VIII (Infectious disease and sanitary provisions) of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessional court the Council may in like manner appeal.

A.D. 1927.
 —
 As to
 appeal.

145. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the district any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several
 sums in one
 summons.

146. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk.

Informa-
 tions by
 whom to be
 laid.

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

Recovery
 of penalties
 &c.

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

Compensa-
 tion how
 to be deter-
 mined.

A.D. 1927.

—
Powers of
Act cumu-
lative.

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

Inquiries by
Minister of
Transport.

150. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act or any existing Act or Order of the Council the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the Secretaries of the Board."

Inquiries
by Minister
of Health.

151.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents by him under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

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

Judges not
disqualified.

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

A.D. 1927.

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

—
Crown
rights.

154. The following sections of the Aberdare Local Board Waterworks Act 1870 the Aberdare Local Board Waterworks Act 1894 the Act of 1905 and the Act of 1911 are hereby repealed (that is to say) :—

Repeal of
certain
provisions
of former
Acts.

Aberdare Local Board Waterworks Act 1870—

Section 21 (Power to local Board to remove pipes from unoccupied premises on giving notice to the owners);

Section 24 (Application of water revenue);

Section 25 (Deficiency of funds of waterworks);

Section 30 (Power to re-borrow);

Section 46 (Contents of summons or warrant);

Section 49 (Contract for supply of water &c. not to disqualify members of local board);

Section 50 (Authentication of notices).

Aberdare Local Board Waterworks Act 1894—

Section 30 (Annual return to Local Government Board with respect to sinking funds);

Section 31 (Power to re-borrow).

The Act of 1905—

Section 36 (Return respecting sinking fund to Local Government Board);

Section 37 (Power to re-borrow).

The Act of 1911—

Section 65 (Application of tramway revenue);

Section 66 (As to deficiency in receipts).

155. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed under the powers of this Act.

Costs of
Act.

A.D. 1927.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

District.	Number on Deposited Plans.
Urban District of Aberdare	- 1 2 4 5 7 10 11 12 13 19 22 23 24 28 29.

SECOND SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Aberdare Urban District Council Act 1927 and of other their powers in that behalf them enabling the Aberdare Urban District Council (hereinafter called "the Council") in consideration of the sum of _____ pounds paid to the treasurer of the Council by _____ (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the said principal sum such interest to be paid half-yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at

the place therein mentioned] [on the _____ day of _____ A.D. 1927.
and the _____ day of _____
in each year] And it is hereby agreed
that the said principal sum of _____ pounds
shall be repaid at the office of the Council in the said district
[(subject as hereinafter provided) on the _____ day of _____
one thousand nine hundred and _____
]:

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

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

THE ENDORSEMENT WITHIN REFERRED TO.

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

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

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] _____]
[of _____]
in consideration of the sum of _____
pounds paid to me by _____
of _____
(hereinafter called "the transferee") do hereby transfer to the
transferee [his] executors administrators and assigns [the within-
written security] [the mortgage number _____ of the _____

[Ch. lxi.]

Aberdare Urban [17 & 18 GEO. 5.]
District Council Act, 1927.

A.D. 1927. revenues of the Aberdare Urban District Council bearing date the
day of] and all my
right and interest under the same subject to the several conditions
on which I hold the same at the time of the execution hereof and I
the transferee for myself my executors administrators and assigns
do hereby agree to take the said mortgage security subject to
the same conditions.

Dated this day of one thousand
nine hundred and

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