



### CHAPTER xlix.

An Act to authorise the Urban District Council of A.D. 1917.  
Caerphilly to provide and run omnibuses and for other  
purposes. [2nd August 1917.]

**W**HEREAS the district of Caerphilly in the county of Glamorgan is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Caerphilly Urban District Council which district and Council are in this Act respectively called "the district" and "the Council":

And whereas it is expedient to authorise the Council to provide and run omnibuses within and beyond the district as in this Act provided:

And whereas it is expedient to empower the Council and the Bedwas and Machen Urban District Council to enter into and carry into effect agreements with reference to the running of omnibuses within their respective districts and to appoint joint committees for the purposes in this Act mentioned:

And whereas it is expedient that provision be made with reference to the borrowing of money by the Council as in this Act contained:

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

And whereas estimates have been prepared by the Council as follows:—

	£
For the provision and running of omnibuses	- 5,100
For the purchase of lands and construction of buildings for the purposes of omnibuses	- 2,400
[Price 1s. 6d.]                      A	1

[Ch. xlix.] *Caerphilly Urban District Council* [7 & 8 GEO. 5.]  
Act, 1917.

A.D. 1917.

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof 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 the approval of the Local Government Board has been obtained :

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

Short title.

1. This Act may be cited as the *Caerphilly Urban District Council Act 1917*.

Incorporation of Acts.

2. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement) so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act.

Interpretation.

3. In this Act unless the subject or context otherwise requires—

“The district” means the urban district of *Caerphilly* ;

“The Council” means the urban district council of the district ;

“The *Bedwas* district” means the urban district of *Bedwas* and *Machen* ;

“The *Bedwas* Council” means the urban district council of the *Bedwas* district ;

“Omnibus” means any stage carriage moved by mechanical power (including in that expression steam electrical and every other motive power) or by animal power ;

“The clerk” and “the accountant” respectively mean the clerk and the accountant appointed by the Council in pursuance of the powers of any public Act ;

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

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

A.D. 1917.

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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

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

#### OMNIBUSES.

4.—(1) The Council may provide (but shall not manufacture) omnibuses and may run the same—

Power to provide and run omnibuses.

(a) On the following routes within the district:—

(i) Any road leading from Piccadilly Square Caerphilly to Penyrheol and the road leading from Penyrheol up the Aber Valley to the end of the road at Senghenydd;

[Ch. xlix.] *Caerphilly Urban District Council* [7 & 8 GEO. 5.]  
*Act, 1917.*

A.D. 1917.

(ii) The road leading from the Caerphilly Station of the Rhymney Railway Company to Piccadilly Square and thence to Bedwas Bridge:

- (b) With the consent of the Bedwas Council on the road in the Bedwas district leading from Bedwas Bridge to Tre-Thomas:
- (c) On any other route or routes situate within the district and specified in a Provisional Order made by the Local Government Board and confirmed by Parliament.

(2) The Council may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of omnibuses but the Council shall not create or permit any nuisance on any such lands.

(3) The Council may make byelaws for regulating the travelling and for the prevention of nuisances in or upon the omnibuses provided by them Provided that any such byelaws shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The Council shall perform in respect of the omnibuses provided under this Act all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(6) The Council shall keep the accounts in respect of their omnibus undertaking separate from their other accounts distinguishing therein capital from revenue.

(7) The Local Government Board are hereby empowered to make any such Provisional Order as is referred to in subsection (1) of this section in accordance with the provisions of the Public Health Act, 1875 and in considering an application for any such Order relating to a main road within the district

the Board shall have regard to the section of this Act of which the marginal note is "For protection of Glamorgan County Council" and to all the circumstances relating thereto. A.D. 1917.

5. The Council may demand and take for the conveyance of passengers in the omnibuses such reasonable fares and charges as may from time to time be approved by the Board of Trade. Fares for passengers.

6. Every passenger travelling upon the omnibuses may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers. Passengers' luggage.

7. The Council may demand and take in respect of parcels conveyed by them on the omnibuses including every expense incidental to such conveyance any rates or charges not exceeding the following (that is to say):— Rates for parcels.

For any parcel not exceeding seven pounds in weight three-pence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence.

8. The Council shall not carry on the omnibuses any goods animals or other things other than passengers' luggage not exceeding the weight in this Act in that behalf mentioned small parcels not exceeding fifty-six pounds in weight and dogs in the charge of passengers. Limitation on carriage of goods and animals.

9. The Council shall not be bound to carry dogs on the omnibuses but they may demand and take in respect of any dog so carried any sum not exceeding the fare payable by the passenger who is in charge of the dog. Charges for dogs.

10.—(1) Where any tree which overhangs any highway along any omnibus route in the district may in any way interfere with the clear and safe passage of the omnibuses and the passengers thereon the Council may serve a notice on the owner of the tree or on the occupier of the premises on which Trees overhanging omnibus routes.

[Ch. xlix.] *Caerphilly Urban District Council* [7 & 8 GEO. 5.]  
*Act, 1917.*

A.D. 1917. such tree is growing requiring him to lop the tree within seven days so as to prevent such interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Council under this section 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.

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

Shelters or  
waiting-  
rooms.

**11.** The Council may erect and maintain sheds shelters or waiting-rooms for the accommodation of passengers and of the Council's servants on any omnibus routes provided under this Act and may use for that purpose portions of the public streets or roads Provided that the Council shall not use portions of any public street or road beyond the district for the purposes mentioned in this section except with the consent of the local authority in whose district such street or road is situate and of the authority responsible for the maintenance of such street or road Provided also that the Council shall not erect or maintain any such sheds shelters or waiting rooms so as to interfere with or render less convenient the access to or exit from any station or depôt belonging to any railway company.

Lost pro-  
perty.

**12.** Any property found in any omnibus of the Council shall forthwith be handed to the conductor of the omnibus or 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 omnibus undertaking.

Agreements  
with Bedwas  
Council.

**13.** The Council and the Bedwas Council may enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

(a) The working running use and management of all or any of the omnibus services provided by the contracting

parties under this Act or under the Bedwas and Machen Urban District Council Act 1917 and the use and management of any land and property held by them in connexion with such services: A.D. 1917.

- (b) The supply by either of the contracting parties under and during the continuance of any such agreement of omnibuses and conveniences in connexion therewith necessary for the purpose of such agreement and the employment of officers and servants:
- (c) The interchange accommodation conveyance transmission and delivery of traffic arising from or destined for any such omnibus services:
- (d) The payment collection and apportionment of the tolls charges and other receipts arising from any such omnibus services.

**14.**—(1) The Council and the Bedwas Council may concur in appointing out of their respective bodies a joint committee for the purposes of any agreement entered into under the last preceding section of this Act or any such purposes. Joint committees.

(2) The Council may delegate to any such joint committee any powers which the Council are by this Act authorised to exercise including the power of running omnibuses and levying fares rates and charges but the Council shall not delegate to any such joint committee any power to borrow money or levy any district rate.

(3) A joint committee appointed under this section shall not hold office beyond the expiration of fourteen days after the next annual meeting of either of the councils who appointed it.

(4) The costs of a joint committee under this section shall be divided between the Council and the Bedwas Council in such manner as they may agree upon.

**15.** For the protection of the council of the administrative county of Glamorgan (in this section called "the county council") the following provisions shall unless otherwise agreed in writing between the county council and the Council apply and have effect (that is to say):— For protection of Glamorgan County Council.

- (1) If and so long as the Council or any other local authority or any company body or person with the consent of the Council or any joint committee

[Ch. xlix.] *Caerphilly Urban District Council* [7 & 8 GEO. 5.]  
*Act, 1917.*

A.D. 1917.

appointed in pursuance of the powers in that behalf contained in this Act shall from time to time run or work omnibuses on so much of the road leading from the Caerphilly Station of the Rhymney Railway Company to the county boundary at Bedwas Bridge as is now a main road or on any part of such main road the Council shall undertake the maintenance repair and improvement of the whole of such main road (including the footway thereof) in consideration of the payment by the county council to the Council at the end of every year of a sum calculated at the rate of £288 per mile of road per annum the payment of which sum shall discharge the county council from all liability in respect of the maintenance of the said road :

- (2) For the purposes of this section the Council shall have the same powers and be subject to the same duties and liabilities as if the road were an ordinary road vested in them and subsections (5) (6) (8) and (9) of section 11 of the Local Government Act 1888 so far as they are not inconsistent with the provisions of this section shall apply :
- (3) Until the Council so undertake the maintenance repair and improvement of the said main road the county council shall continue to carry out the repair thereof as heretofore except that when the existing contract shall have expired the county council shall in carrying out such repair use granite instead of limestone :
- (4) The Council shall not exercise the powers conferred upon them under the section of this Act of which the marginal note is "Shelters or waiting-rooms" so as to obstruct or reduce the metalled portion or footway of the said main road.

For protec-  
tion of Mon-  
mouthshire  
County  
Council and  
railway com-  
panies.

**16.** If and so long as the Council under the powers of this Act or the Bedwas Council under the provisions of the section of this Act of which the marginal note is "Agreements with Bedwas Council" shall from time to time run or work omnibuses on any road (including any roadway on a bridge) repairable by the Monmouthshire County Council or any railway



company (in this section referred to as "the road authority") A.D. 1917.  
the following provisions shall have effect:—

- (1) The Council shall at the end of every year pay to the road authority towards the cost of the maintenance by the road authority of any such road a sum equal to three-eighths of a penny per car mile run by the omnibuses on such road during that year. All sums of money payable to the road authority under the provisions of this section shall be deemed to be a debt due to the road authority and recoverable from the Council accordingly :
- (2) The Council shall keep statements for the purposes of this section showing in proper detail the mileage run by each omnibus on the roads of the road authority and shall furnish copies of such statements annually to the road authority and the Council shall allow any person duly authorised by the road authority in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept by the Council relating to the running of all such omnibuses :
- (3) In consideration of the payments to be made by the Council to the road authority under this section 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 such road by the omnibuses of the Council.

#### FINANCIAL.

17.—(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 of that table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as

Power to  
borrow.

[Ch. xlix.] *Caerphilly Urban District Council* [7 & 8 GEO. 5.]  
*Act, 1917.*

A.D. 1917. “the prescribed period”) mentioned in the third column of that table viz. :—

Purposes.	Amount.	Period for repayment.
For and in connexion with the provision and running of omnibuses.	£ 5,100	Six years from the date or dates of borrowing.
For the purchase of lands and construction of buildings for the purposes of the omnibuses.	2,400	Thirty years from the date or dates of borrowing.
For paying the costs charges and expenses of and incidental to this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Council may also with the sanction of the Local Government Board borrow such further money as may be required for the purposes of this Act and any money so borrowed shall be repaid within such period (in this Act referred to as “the prescribed period”) as may be prescribed by the Local Government Board.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of their omnibus undertaking and the district fund and the general district rate.

Restriction on borrowing.

**18.** Notwithstanding anything in this Act the Council shall not under the powers of this Act borrow any money (other than money required for the purposes mentioned in the section of this Act of which the marginal note is “Costs of Act”) during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Section 234 of Public Health Act not to apply.

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

Mode of raising money.

**20.** The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one

way and partly in another or others Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act. A.D. 1917.

**21.** The provisions of sections 236 237 and 238 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall apply in the case of all mortgages granted by the Council under this Act (other than mortgages granted under the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes") as if they were with necessary modifications re-enacted in this Act. Provisions as to mortgages.

**22.**—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or principal or of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole. Appointment of receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

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

**24.** The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them. Mode of payment off of money borrowed.

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

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together

[Ch. xlix.] *Caerphilly Urban District Council* [7 & 8 GEO. 5.]  
*Act, 1917.*

A.D. 1917.

amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security the Council being at liberty from time to time to vary and transpose such investments.

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

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per

centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments. A.D. 1917.

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

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

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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

[Ch. xlix.] *Caerphilly Urban District Council* [7 & 8 GEO. 5.]  
*Act, 1917.*

A.D. 1917.

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

Power to invest all sinking funds in statutory securities.

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

Power to use one form of mortgage for all purposes.

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

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

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

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of

which they would have been repayable respectively if this section had not been enacted. A.D. 1917.

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

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

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

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

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

[Ch. xlix.] *Caerphilly Urban District Council* [7 & 8 GEO. 5.]  
*Act, 1917.*

A.D. 1917. entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the accountant 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.

As to temporary borrowing.

**28.**—(1) For the purpose of providing temporarily during any financial year for their current expenses as a sanitary or road authority (whether under the provisions of public general or local Acts) it shall be lawful for the Council to borrow by way of temporary loan or overdraft from any bank such sums as they may from time to time resolve not exceeding in each case an amount equal to one-third of the amount of such expenses on revenue account during the immediately preceding financial year and any sums so borrowed together with the interest thereon shall form a charge upon the district fund and general district rate *pari passu* with any bond mortgage or other securities affecting the same.

(2) It shall further be lawful for the Council to utilize for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve.

(3) All sums borrowed under this section together with the interest thereon shall be paid out of the district fund or general district rate within the financial year during which the same was borrowed.

(4) When the Council borrow money under this section—

(a) The accountant shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as the Board shall approve or require:

(b) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appears to the Local Government Board by the report of the accountant or by such investigation that the Council



have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit. .A.D. 1917.

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

**29.**—(1) The Council shall have power to borrow (a) for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid or (b) in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys. Power to re-borrow.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

[Ch. xlix.] *Caerphilly Urban District Council* [7 & 8 GEO. 5.]  
*Act, 1917.*

.A.D. 1917.

- (c) out of moneys derived from the sale of land ; or  
(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Council not to regard trusts.

**30.** The Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan borrowed granted or issued by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register.

Return respecting sinking fund to Local Government Board.

**31.**—(1) The accountant shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in respect of any money raised by the Council under any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the accountant showing for the year next preceding the making of the return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purpose to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest have been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the accountant shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty

the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1917.

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

**32.** Subject to the obligation to keep the accounts in respect of their omnibus undertaking separate from their other accounts all moneys received by the Council on revenue account in the exercise of the powers of this Act shall be carried to the credit of the district fund and 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) shall be paid out of the district fund or general district rate. Application of revenue and payment of expenses.

**33.** All money borrowed under the provisions of this Act shall be applied only to the purpose for which it is authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable. Application of money borrowed.

#### MISCELLANEOUS.

**34.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein. Application of section 265 of Public Health Act 1875.

**35.—**(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem Inquiries by Local Government Board.

[Ch. xlix.] *Caerphilly Urban District Council* [7 & 8 GEO. 5.]  
*Act, 1917.*

A.D. 1917. — necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

Recovery of penalties &c.

**36.** 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 demands.

**37.** 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.

Informations by whom to be laid.

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

Penalties to be paid over to treasurer.

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

Costs of Act.

**40.** The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and obtaining

[7 & 8 GEO. 5.] *Caerphilly Urban District Council* [Ch. xlix.]  
*Act, 1917.*

and passing of this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the requirements of the Borough Funds Acts 1872 and 1903 shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act. A.D. 1917.

A.D. 1917. The SCHEDULE referred to in the foregoing Act.

---

FORM OF MORTGAGE.

CAERPHILLY URBAN DISTRICT.

By virtue of the Caerphilly Urban District Council Act 1917 and of their other powers in that behalf them enabling the Caerphilly 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 at the rate of \_\_\_\_\_ per centum per annum from the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ until payment of the said principal sum such interest to be paid half-yearly [on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year] And it is hereby agreed that the said principal sum of \_\_\_\_\_ pounds shall be repaid at the office of the Council in the said district [(subject as hereinafter provided) on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ ]:

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 the accountant or 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 the 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 \_\_\_\_\_

[7 & 8 GEO. 5.] *Caerphilly Urban District Council* [Ch. xlix.]  
*Act, 1917.*

THE ENDORSEMENT WITHIN REFERRED TO.

A.D. 1917.

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 revenues of the Caerphilly  
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 \_\_\_\_\_ .

---

Printed by EYRE and SPOTTISWOODE, LIMITED,

FOR

Sir FREDERICK ATTERBURY, K.C.B., the King's Printer of Acts of Parliament.

---

To be purchased through any Bookseller or directly from  
H.M. STATIONERY OFFICE at the following addresses:  
IMPERIAL HOUSE, KINGSWAY, LONDON, W.C.2, and 28, ABINGDON STREET, LONDON, S.W.1;  
37, PETER STREET, MANCHESTER; 1, ST. ANDREW'S CRESCENT, CARDIFF;  
23, FORTH STREET, EDINBURGH;  
or from E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN;  
or from the Agencies in the British Colonies and Dependencies,  
the United States of America and other Foreign Countries of  
T. FISHER UNWIN, LTD., LONDON, W.C.2.

