



### CHAPTER lxxxviii.

An Act to authorise the Local Board for the District of Tredegar to construct Additional Waterworks and for other purposes. A.D. 1892.  
[20th June 1892.]

**W**HEREAS the district of Tredegar in the counties of Brecon and Monmouth (but wholly within the administrative county of Monmouth) is governed for local and sanitary purposes by the Local Board for that district (in this Act referred to as "the Local Board"):

And whereas the Local Board are the owners of the waterworks which now supply the greater part of their district with water but certain portions of such district are within the limits for the supply of water of the Ebbw Vale Local Board:

And whereas for the purpose of enabling the Local Board to provide a better supply of water to their district (except so much thereof as is within the limits for the supply of water of the Ebbw Vale Local Board as aforesaid) and to the portion of the parish of Bedwellty comprised within their limits for the supply of water it is expedient that they should be authorised and empowered to make and construct the filter beds service tank reservoir and works hereinafter described:

And whereas plans and sections of the works authorised by this Act the plans also showing the lands which may be taken under the powers of this Act and a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the said lands have been deposited with the clerks of the peace for the counties of Brecon and Monmouth respectively and are in this Act referred to as the deposited plans sections and book of reference:

And whereas an estimate has been prepared by the Local Board for the purchase of lands and the execution of the works by this Act authorised and such estimate amounts to the sum of thirty-five thousand two hundred pounds:

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And whereas the works included in such estimate are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875 :

And whereas it is expedient that the Local Board should be authorised to raise money for the purposes hereinbefore mentioned in manner by this Act provided :

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

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the twentieth day of November one thousand eight hundred and ninety-one after ten clear days' notice by public advertisement of the meeting and of the purposes thereof in the *Western Mail* and the *South Wales Daily News* two local newspapers published and circulating in the district of the Local Board such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate water rates and charges for water supplied and to be supplied by the Local Board :

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

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

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

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

Short title.

1. This Act may be cited for all purposes as the *Tredegar Waterworks Act 1892* and this Act and the *Tredegar Water and Gas Act 1878* and the *Tredegar Water and Gas Act 1882* and the *Provisional Order* dated the twelfth day of May one thousand eight hundred and eighty-eight and confirmed by the Local Government Board's *Provisional Orders Confirmation (No. 7) Act 1888*

may be cited for all purposes as the Tredegar Water and Gas Act and Order 1878 to 1892. A.D. 1892.

2. 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 namely :—

Provisions  
of certain  
general Acts  
incorporated.

The Lands Clauses Acts ;

The Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) ;

The Waterworks Clauses Act 1863 ; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but these provisions shall apply only to the reservoir by this Act authorised.

3. For the purposes of the Tredegar Water and Gas Act 1878 and of the Tredegar Water and Gas Act 1882 and of this Act the Waterworks Clauses Act 1847 shall be read and have effect as if the words “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” were omitted from section 44 of that Act.

Amendment  
of Water-  
works  
Clauses Act  
1847.

4. The several words and expressions to which by the Public Health Act 1875 or the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in this Act and in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

Interpreta-  
tion of terms.

“ The undertakers ” or “ the Company ” means the Local Board ;

“ The railway ” means the reservoir by this Act authorised ;

“ Centre of the railway ” means with respect to the reservoir the boundaries of that work ;

“ The district ” means the Local Government district of Tredegar ;

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

“ The Public Health Acts ” means the Public Health Act 1875 the Public Health (Water) Act 1878 and any Act amending the same respectively ;

And the expression “ superior courts ” or “ court of competent jurisdiction ” or any other like expression in this Act or in the Acts wholly or partially incorporated herewith shall be

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read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Act to be executed by Local Board.

5. This Act shall be carried into execution by the Local Board with the powers and indemnities and according to the provisions of the Public Health Acts.

Water limits.

6. The limits for the supply of water by the Local Board (in this Act called "the water limits") shall be the district (except so much thereof as is now within the limits for the supply of water of the Ebbw Vale Local Board) and so much of the portions of the parish of Bedwellty in the county of Monmouth as are by section five of the Tredegar Water and Gas Act 1878 defined as being within the limits of that Act for the supply of water and are delineated on the plan referred to in section six of that Act as signed by Henry Cecil Raikes Esquire and deposited with the clerk of the peace for the county of Monmouth.

Pressure.

7. The water to be supplied from any main or pipe of the Local Board need not be supplied in any case at a level above or at a greater pressure than can be supplied or afforded by gravitation from the service reservoir tank filter bed or other work from which the supply shall be taken.

Power for Local Board to supply water.

8. Subject to the provisions of the Tredegar Water and Gas Acts and Order 1878 to 1892 the Local Board by means of the works by those Acts authorised or any of them may from time to time supply water within the water limits and may sell and dispose of the water within the water limits as they from time to time think fit.

Power to make water-works.

9. Subject to the provisions of this Act the Local Board may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks and other works following (that is to say):—

- (1) A conduit No. 1 situate wholly in the parish of Llangynidr in the county of Brecon commencing in the spring known as Shon Sheffrey's Well one hundred and forty-four yards or thereabouts measured in a south-easterly direction down the valley of the Sirhowy River from the farm homestead known as Blaen-Sirhowy and terminating in the intended filter beds hereinafter described in the enclosure numbered 1353 on the 25-inch Ordnance map of the parish of Llangynidr at a point twenty-seven yards or thereabouts measured in a south-easterly direction from the northern corner of the said enclosure:

- (2) Three filter beds and a service tank wholly in the said parish of Llangynidr to be situate between the termination of conduit No. 1 before described and a point sixty-eight yards or thereabouts measured in a north-westerly direction from the southern corner of the before-mentioned enclosure numbered 1353 : A.D. 1892.
- (3) A conduit No. 2 commencing in the intended service tank above mentioned thence passing through and into the parish of Llangynidr in the county of Brecon and the parish of Bedwelty in the county of Monmouth and terminating in the last-mentioned parish at the north-western side of the pedestal under the clock tower in the circle in the town of Tredegear :
- (4) A compensation reservoir wholly in the parish of Llangynidr aforesaid to be situate in the dingle of the Sirhowy River and to be formed by an embankment across that river at a point one hundred and sixty-six yards or thereabouts measured in a westerly direction along the course of the river from the junction therewith of the Nant-mil-gatw Brook such reservoir extending northwards up the Sirhowy River to a point two hundred and seventeen yards or thereabouts measured in a south-easterly direction from the before-mentioned farm home-stead known as Blaen-Sirhowy :

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

10. Subject to the provisions of this Act the Local Board may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may from time to time for the purposes of their waterworks take intercept collect impound use divert and appropriate the water which may be intercepted or abstracted by means of any of the waterworks before described and also the waters of the Sirhowy River and of the spring in the parish of Llangynidr called Shon Sheffrey's Well which flows into that river. Power to take lands and waters.

11.—(1) The Local Board shall in no case take more than six hundred thousand gallons of water in any one day from the Shon Sheffrey's Well The surplus shall be conducted into the reservoir. Limitation of supply from Shon Sheffrey's Well.

(2) The Local Board before taking any of the waters of the Shon Sheffrey's Well shall construct and for ever after maintain a sufficient

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(3) In the event of any difference or disagreement between the Local Board and any of the persons for the time being interested in the waters of the Sirhowy River with respect to the construction or use of the last-mentioned gauge and the apparatus hereinafter mentioned such difference or disagreement shall be settled and determined by a hydraulic engineer to be named by agreement between the Local Board and such persons or in default of agreement by the President for the time being of the Institution of Civil Engineers on the application of either party after seven days' written notice to the other party and the costs of the reference and award shall be borne as such arbitrator shall direct:

The Local Board shall make and complete the compensation reservoir by this Act authorised of the size and capacity shown in the deposited plans within five years from the passing of this Act or in the event of any unforeseen accident happening to prevent the completion within that period then within such extended period as may be fixed by an engineer to be appointed by the Local Government Board on the application of the Local Board or of any person interested in the water to be discharged from the said compensation reservoir and from and after such completion the Local Board shall at all times maintain the compensation reservoir in good and substantial repair order and condition and the same shall be used exclusively for the storage of compensation water and no water shall be drawn from it for any other purpose:

During the construction of such reservoir but not exceeding a period of five years from the passing of this Act or such extended period as may be fixed as hereinbefore provided the Local Board shall be at liberty to take and use not exceeding two hundred thousand gallons per day of the water which they are by this Act authorised to take intercept impound use divert or appropriate but after the construction of the said reservoir they shall be at liberty to take the said full quantity of six hundred thousand gallons:

Provided that if at the expiration of five years from the passing of this Act or at the expiration of such extended period as may be fixed as hereinbefore provided the Local Board shall not have made and completed the said reservoir all powers of the Local Board under this Act of taking intercepting collecting impounding using diverting or appropriating water shall absolutely cease and determine:

The discharge from the compensation reservoir shall be of two kinds:— A.D. 1892.

(A) A discharge through the bye-pass tunnel having a minimum amount to be fixed as hereafter provided for such minimum amount being regulated by suitable apparatus;

(B) The overflow by the bye-wash shown on the deposited plans:

The amount of discharge (A) from the compensation reservoir hereinbefore mentioned shall be regulated by the parties interested in such water or failing agreement by a person to be nominated by the President for the time being of the Institution of Civil Engineers on the application of any party interested. The costs of any reference to be in the discretion of the arbitrator.

(4) In case the Local Board shall fail to comply with the provisions of this section they shall be liable to a penalty not exceeding five pounds for every day in which any such default shall occur such penalty to be recoverable summarily with the costs of the proceedings by any person interested in the waters of the Sirhowy River.

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

Power to deviate.

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

Period for compulsory purchase of lands.

**14.** If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof

Time for completion of works.

A.D. 1892. respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Power to take additional lands by agreement.

**15.** The Local Board may from time to time for the purposes of their water undertaking purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised by this Act to take compulsorily but the Local Board shall not create or permit any nuisance on any such lands and such lands shall not be used for any buildings except buildings required for or used in connexion with the water undertaking of the Local Board.

Power to take easements &c. by agreement.

**16.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Local Board any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid.

For the protection of the London and North Western Railway Company.

**17.** The following provisions for the protection of the London and North Western Railway Company (in this section called "the railway company") shall be in force and have effect and be binding on the Local Board:—

1. In constructing or laying conduit No. 2 under the Merthyr Tredegar and Abergavenny Railway of the railway company and under that Company's Sirhowy Railway as also in effecting the maintenance repairs and renewals of such conduit the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and according to plans to be submitted to and approved by him before any such works are commenced and all such works shall be executed by and in all things at the expense of the Local Board and so as not to cause any injury to such railways or interruption to the passage or conduct of traffic over such railways and if any such injury shall arise to such railways or interruption to such traffic the Local Board shall make full compensation to the railway company in respect of such injury or interruption the amount of such compensation to be recoverable from the Local Board by the railway company together with full costs by all and the same means as any simple contract debt is recoverable:
2. The said conduit shall for its entire length under the said railways and for twenty-five feet on each side thereof be of such materials dimensions quality and thickness as such engineer shall in writing reasonably require:



3. The Local Board shall not (except with the previous consent of the railway company under their common seal) purchase or acquire any lands or property of the railway company but the Local Board may purchase and take and the railway company shall sell and grant accordingly an easement or right of using so much of the lands of the railway company as may be necessary for the said crossings of conduit No. 2. A.D. 1892.

18. The following provisions for the protection of the London and North Western Railway Company and the Rhymney Railway Company (in this section called "the railway companies") shall be in force and have effect and be binding on the Local Board both in respect of the railways jointly as well as those separately owned by those companies:— For the protection of the London and North Western and Rhymney Railway Companies.

In laying down and executing or in effecting the repairs alterations or renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property belonging to or used or occupied by the said railway companies or either of them or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by such railway companies the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said railway companies or of the company whose railway may be so affected and only according to plans and sections to be submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Local Board who also shall restore and make good the roads over any such bridges level crossings and approaches which the said railway companies or either of them are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Local Board and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any railway or siding bridge or level crossing the Local Board shall make compensation in respect thereof to the said railway companies or to such one of them as may be affected thereby the amount of such compensation together with full costs to be recoverable from the Local Board by all and the same means as any simple contract debt is recoverable.

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Provisions  
for the pro-  
tection of  
the Duke of  
Beaufort  
K.G.

19. For the protection of the Most Noble Henry Charles Fitzroy Duke of Beaufort K.G. his heirs successors in estate and assigns (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed between the owner and the Local Board have effect (that is to say) :—

- (1) The Local Board shall make and complete on or before the completion of the compensation reservoir and in connexion therewith a properly constructed and sufficient bye-pass and overflow weir of such respective dimensions that the water of the said reservoir shall not at any time rise to a greater height than four feet below the top of the embankment of the reservoir :
- (2) The Local Board shall at all times maintain the said bye-pass and overflow weir and any works in connexion therewith in good and substantial repair order and condition :
- (3) The Local Board shall from time to time make full compensation to the owner and to all other persons for all damage and injury losses and expenses whatsoever as well immediate as consequential which they respectively from time to time may incur or suffer by reason of the bursting or giving way or leaking of the reservoir by this Act authorised :
- (4) The owner shall have the exclusive right of boating fowling shooting and fishing upon and over the reservoir by this Act authorised but so as not in any way to injure the works of the Local Board and for such purposes or any of them shall at all times have free access thereto and if so required to do the Local Board shall erect for him at his own cost a suitable boathouse on the borders of the reservoir or permit him to erect such boathouse :
- (5) Before stopping up or interfering with the existing roadway on the north-east side of the reservoir now affording access to the Llangynidr Mountain and Blaen-Sirhowy and other farms and lands of the owner the Local Board shall make and complete to the satisfaction of the owner a roadway of not less than thirty feet in width and not of steeper gradient than the existing roadway at the point where the same is intersected by the proposed works for the purpose of affording similar access to the said mountain farms and lands.

Restriction  
on taking  
houses of  
labouring  
class.

20. The Local Board shall not under the powers of this Act take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

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**21.** Subject to the provisions of this Act the waterworks by this Act authorised shall for all purposes whatsoever be deemed part of the waterworks undertaking of the Local Board and the Local Board may demand and recover rates and charges in respect of water supplied within the water limits not exceeding the rates and charges authorised by the Tredegar Water and Gas Act 1878 to be demanded and recovered in respect of water supplied from the existing water undertaking of the Local Board.

Existing waterworks of Local Board and works authorised by this Act to form one undertaking.

**22.** The Local Board on selling any lands acquired for or in connection with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use or flow of water exercise of noxious trades or discharge passage or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation of water rights &c. on sale of surplus lands.

**23.** It shall be lawful for the Local Board to supply water by agreement in bulk or otherwise for domestic or other purposes to any local or sanitary authority company or person beyond the water limits on such terms and conditions in all respects and for such periods as the Local Board and such local or sanitary authority company or person from time to time agree. Provided that nothing in this section shall authorise the Local Board to supply or to continue to supply water within the limits of supply of any local or sanitary authority or company except with the consent of such authority or company nor shall the Local Board under any such agreement supply water so as to interfere with their giving a proper supply for all purposes to persons within the water limits.

Power to supply water to local authorities and others.

**24.** The Local Board may from time to time borrow at interest in addition to any moneys they are already authorised to borrow any sum or sums of money they may require not exceeding in the whole the sum of thirty-five thousand two hundred pounds for the purposes of this Act and for those purposes may mortgage or charge

Power to borrow.

A.D. 1892. — the revenue of their water undertaking and also a special rate to be levied and which they are hereby authorised to levy on the portion of their district comprised within the water limits such rate to be levied in the same way as a general district rate or either of those securities.

Power to borrow further sums with approval of Local Government Board.

**25.** In addition to the sum of thirty-five thousand two hundred pounds which the Local Board are hereinbefore authorised to borrow they may from time to time with the sanction of the Local Government Board borrow at interest on the securities aforesaid or either of them such sum or sums of money as the Local Board may require for any of the purposes for which money is by this Act authorised to be borrowed. The expenses of the Local Government Board in connection with any proceedings under this section including a reasonable sum not exceeding three guineas a day for the services of their inspector shall be paid by the Local Board and shall be recoverable in the same manner as any other expenses incurred by the Local Government Board may be recovered by that Board.

Power to borrow under Local Loans Act 1875.

**26.** The Local Board may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Funds Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. Any moneys borrowed by the Local Board in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875. Every such loan shall be discharged within the prescribed period.

Provisions of Public Health Act as to mortgages to apply.

**27.** The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236. Form of mortgage ;

Section 237. Register of mortgages ;

Section 238. Transfer of mortgages ;

Section 239. Receiver may be appointed in certain cases.

As to repayment of borrowed moneys.

**28.** The Local Board shall repay all moneys borrowed under the powers of this Act for the purposes of the waterworks and other works by this Act authorised to be constructed by the Local Board within the following periods (that is to say) money borrowed with the sanction of the Local Government Board within such period as

that Board shall prescribe and all other money within a period not exceeding fifty years except as regards money applied in payment of the costs of this Act which shall be repaid within a period not exceeding ten years from the borrowing of the same respectively by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund.

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**29.** If the Local Board determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed :—

Regulations  
as to sinking  
fund.

(1) The Local Board in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security within the prescribed period :

(2) The payment to the sinking fund for repayment of moneys to be borrowed under the powers of this Act shall commence on the twenty-fifth day of March next following the time of the borrowing of such moneys respectively :

(3) Provided as follows (that is to say) :—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in securities in which trustees are for the time being authorised to invest or in mortgages bonds debenture stock or other securities other than annuities and securities payable to bearer duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the Local Board and any such investments may be from time to time varied or transposed Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund :

(B) The Local Board may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys in such order and manner as they deem proper Provided that in such case they pay into

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such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based. Provided also that whenever and so long as the yearly income arising from the sinking fund when invested at the same rate of interest as the borrowed moneys then outstanding shall be equal to the annual interest of such borrowed moneys then outstanding the Local Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

Sinking funds may be adjusted in certain events.

**30.** If the Local Board out of the proceeds of the sale or disposition of lands or other moneys received on capital account other than borrowed moneys repay any principal moneys the payments to the sinking fund (if any) established under the provisions of this Act or the amounts of the instalments for the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Audit of accounts.

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

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

**32.** The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the clerk if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and

the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

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**33.** The Local Board may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can reborrow at a lower rate of interest and so from time to time. Provided as follows:—

Power to reborrow.

The time for the repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed:

For the purpose of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed the same loan:

The Local Board shall not reborrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys.

**34.** Any purchase money received by the Local Board on any sale of land acquired under this Act and any fines or premiums on leases or other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Local Board relating to their water undertaking and applied in discharge of any moneys borrowed for the purposes of that undertaking but shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board

Application of money received from sale of land.

[Ch. lxxxviii.] *Tredegar Waterworks Act, 1892.* [55 & 56 Vict.]

A.D. 1892. — Provided that borrowed money discharged by the application of such moneys shall not be reborrowed.

Protection of lender from inquiry.

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

Application of money borrowed.

**36.** Money borrowed by the Local Board under this Act shall be applied only for the purposes of this Act to which capital is properly applicable.

Regulations in section two hundred and thirty-four of Public Health Act 1875 not to apply.

**37.** The powers of borrowing money by this Act authorised shall not be restricted by any of the regulations contained in section two hundred and thirty-four of the Public Health Act 1875 and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Saving for existing charges.

**38.** In the event of the Local Board borrowing on mortgage or under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Funds Act 1885 the whole or any part of the money authorised by this Act nothing in this Act relating to any such borrowing shall prejudicially affect any charge on the revenue and rates or the estates and property of the Local Board subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

As to special rate leviable under Act of 1882.

**39.** From and after the passing of this Act in section twenty-one of the *Tredegar Water and Gas Act 1882* the words "portion of their district comprised within their limits for the supply of water" shall be deemed to mean the portion of the district comprised within the water limits as defined by this Act and all securities now subsisting and charged upon the special rate by that section authorised to be levied shall be charged upon the special rate by this Act authorised to be levied.

Costs of Act.

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



[55 & 56 VICT.] *Tredegar Waterworks Act, 1892.* [Ch. lxxxviii.]

Act including the costs charges and expenses incurred in complying with the provisions of the Act of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the promotion of the Bill for this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of moneys borrowed under the provisions of this Act.

A.D. 1892.  
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