

ELIZABETH II



1966 CHAPTER V

An Act to confirm a Provisional Order of the Secretary of State relating to the Western Valleys (Monmouthshire) Sewerage Board.
[3rd August 1966]

WHEREAS under the provisions of the Public Health Act 1875 c. 55, 1875 and the Public Health Act 1936 the Secretary of 1936 c. 49.
State has made a Provisional Order which needs confirmation by Parliament:

Be it therefore 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:—

1. The order of the Secretary of State which is set out in the Confirmation Schedule to this Act is hereby confirmed and shall have full of order in Schedule.
validity and force.

2. This Act may be cited as the Welsh Office Provisional Order Short title.
Confirmation (Western Valleys (Monmouthshire) Sewerage Board)
Act 1966.

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Act 1966

Section 1.

SCHEDULE

THE WESTERN VALLEYS (MONMOUTHSHIRE) SEWERAGE BOARD

PROVISIONAL ORDER AMENDING LOCAL ACTS

1875 c. 55.
 1936 c. 49.

The Secretary of State, in exercise of the powers conferred on him by section 303 of the Public Health Act 1875 and section 317 of the Public Health Act 1936, as read with the Secretary of State for Wales and Minister of Land and Natural Resources Order 1965, and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation and commencement. 1.—(1) This order may be cited as the Western Valleys (Monmouthshire) Sewerage Board Order 1966 and shall come into operation on the date of the Act of Parliament confirming it.

(2) The Western Valleys (Monmouthshire) Sewerage Board Acts and Order 1903 to 1931, the Rhymney Valley and Western Valleys (Monmouthshire) Sewerage Boards Order 1937, the Western Valleys (Monmouthshire) Sewerage Board Order 1949 and this order may be cited together as the Western Valleys (Monmouthshire) Sewerage Board Acts and Orders 1903 to 1966.

Interpretation.

1903 c. ccxlviii.
 1906 c. clxii.
 1907 c. cxxvii.

2.—(1) In this order—

“ the Act of 1903 ”, “ the Act of 1906 ” and “ the Act of 1907 ”
 mean the Western Valleys (Monmouthshire) Sewerage Board
 Acts of those respective years;

“ the Board ” means the Western Valleys (Monmouthshire)
 Sewerage Board;

“ the undertaking ” means the undertaking of the Board;

“ year ” means a period of twelve months commencing on the
 1st April.

(2) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as applied, extended, varied or amended by, or having effect by virtue of, any subsequent enactment, including this order.

Amendment of
 Act of 1903.

3.—(1) For section 4 of the Act of 1903 (which applies certain public health enactments to the Board) there shall be substituted the following section;—

“ 4. For the purposes of this Act the Board, their members, officers and servants shall, in relation to the districts of the constituent councils, have the like powers and be subject to the like restrictions and duties as are conferred or imposed on local authorities, their members, officers and servants, in relation to their districts, by the enactments mentioned in the Schedule to this Act, and those enactments shall accordingly have effect as if re-enacted in this Act with any modifications necessary to make them in terms applicable to the Board, their members, officers and servants, and with the further modifications set against any such enactments in the said Schedule:

~~Provided that nothing in this Act contained shall affect the powers of any constituent authority with reference to sewers~~

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other than the main trunk or outfall sewers and other works by this Act authorised or to any other works required for the sewerage of any of the constituent districts and not for that of any other of the constituent districts.

The powers by this section conferred upon the Board shall be in addition to and not in derogation from the powers conferred by other sections of this Act. ”

(2) At the end of the Act of 1903 there shall be added as the Schedule thereto the provisions contained in Schedule 1 to this order.

4. In subsection (6) of section 5 of the Act of 1906 (which applies certain provisions of the Act of 1903 to the urban district council of Mynyddislwyn) and in subsection (6) of section 5 of the Act of 1907 (which applies certain provisions of the Act of 1903 to the urban district councils of Bedwellty and Tredegar) there shall be inserted in each case before the reference to section 10 of the Act of 1903 the following words:—

“ Section 4 (Application of provisions of Public Health Acts) so far as it relates to sections 57, 59, 63, 64, 76 and 84 of the Local Government Act 1933 as re-enacted and modified in 1933 c. 51. the Schedule to the Act of 1903.”

5. All sewers for the time being vested in the Board shall be deemed to be public sewers for the purposes of the enactments mentioned in Schedule 1 to this order and of section 32 of the Public Health Act 1936 and of the Public Utilities Street Works Act 1950.

Public sewers.

1936 c. 49.

1950 c. 39.

6.—(1) The Board may (if they think fit) establish a reserve fund for the purpose of—

Reserve fund.

- (a) meeting any extraordinary claim or demand which may at any time be made upon them;
- (b) defraying the cost of extending, improving, renewing, repairing or maintaining any part of the undertaking, or of providing vehicles for use in connection with the undertaking;
- (c) making provision for special payments to any sinking fund maintained by them.

(2) The Board may from time to time transfer such sums as they think fit into a reserve fund to be established under this section :

Provided that, except with the consent of the Secretary of State—

- (a) the aggregate amount transferred to the reserve fund in any year shall not exceed the equivalent of one per cent of the total capital expenditure theretofore incurred by the Board for the purposes of the undertaking;
- (b) no transfer shall be made to the reserve fund if the aggregate amount standing to the credit of that fund exceeds, or so as to make such aggregate amount exceed, the equivalent of five per cent of the total capital expenditure theretofore incurred by the Board for the purposes of the undertaking.

(3) Pending the application of moneys forming part of a reserve fund established under this section to the purposes authorised by this section such moneys shall be invested in statutory securities.

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(4) For the purposes of this section "statutory securities" means any securities in which trustees are for the time being authorised by law to invest trust moneys and any mortgages, bonds, debentures, debenture stock, stock or other securities created by a local authority as defined by the Local Government Act 1933 but does not include any annuities, rentcharges or securities transferable by delivery or any securities created by the Board.

(5) All interest and dividends accruing on the fund shall form part of the income of the undertaking and shall be credited to the general revenue account of the Board.

Repeal of
enactments.

7.—(1) The enactments specified in Part I of Schedule 2 to this order are hereby repealed.

(2) The enactments specified in Part II of the said Schedule are hereby repealed to the extent mentioned in that Part of the said Schedule.

SCHEDULES

SCHEDULE 1

SCHEDULE ADDED TO ACT OF 1903

Enactments re-enacted in this Act

	Short title	Enactment applied	Subject-matter	Modifications
1875 c. 55.	The Public Health Act 1875	Sections 297 and 298 Section 303	Provisional Orders Repeal etc. of local Acts by Provisional Orders	— —
1883 c. 37.	The Public Health Act 1875 (Support of Sewers) Amendment Act 1883	The whole Act	Support of sewers	—
1933 c. 51.	Local Government Act 1933	Section 57 Section 58 Section 59 Section 63(1) Section 64	Qualification for office Re-election Disqualifications for office Vacation of office by failure to attend meetings Declaration of vacancy in office	The words "to be elected and" and paragraphs (a) to (d) shall be omitted. — Paragraph (g) of subsection (1) and subsections (3), (4), and (5) shall be omitted. — The words "or to hold the office of mayor of a borough" and the words "or by reason of absence from the borough, as the case may be" shall be omitted.

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—*cont.*

Short title	Enactment applied	Subject-matter	Modifications
Local Government Act 1933— <i>cont.</i>	Section 76	Disability for voting	In subsection (8) 1933 c. 51. the references to county councils and members of parish councils shall be omitted.
	Section 84	Proceedings in respect of qualification	The words "or as the mayor of a borough" in each place where those words occur shall be omitted, and in subsection (5) for the words "local government elector for the area of the local authority concerned" there shall be substituted the words "local authority which is for the time being a constituent authority of the Board".
	Sections 85 and 94 to 96	Committees	The proviso to section 94 shall be omitted.
	Sections 107(4) and 119 to 123	Officers	Subsection (3) of section 119 and subsection (4) of section 123 shall be omitted.
	Section 125(1)	Offices	The words "and for public meetings and assemblies" shall be omitted.
	Sections 195 to 200, 202 to 212 and 213 to 218	Borrowing	—
	Sections 219, 222 to 233, 234(2), 241 and 242	Accounts and audit	—
	Sections 253, 254, 256 and 258	Local Bills	—
	Section 266	Contracts of local authorities	—
	Section 267	Conferences	—
	Sections 276 to 278	Legal proceedings	—
	Section 283	Inspection of documents	—
	Section 284	Reports and returns	—
	Sections 286 to 289	Notices, etc.	Subsection (2) of section 286 and subsection (2) of section 287 shall be omitted.
	Section 290	Inquiries	—

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SCH. 1
—cont.

	Short title	Enactment applied	Subject-matter	Modifications
1936 c. 49.	Public Health Act 1936	Sections 14 to 16, 22, 23 and 27 to 31	Sewerage and sewage disposal	Subsection (4) of section 15 shall be omitted. In section 23, the words from "subject however" to the end thereof shall be omitted.
		Section 271	Interpretation of "provide"	—
		Section 272	Power to combine	—
		Section 274	Execution of works outside district	—
		Section 276	Power to sell materials	—
		Section 277	Power to require information as to ownership of premises	—
		Section 278	Compensation for damage	—
		Sections 283 to 286	Notices etc.	—
		Sections 287 and 288	Entry and obstruction	Subsection (6) of section 287 shall be omitted.
		Section 289	Power to require occupier of premises to permit works to be executed by owner	—
		Section 293	Recovery of expenses, etc.	—
		Sections 296 to 299	Prosecution of offences, etc.	—
		Section 301	Appeals to quarter sessions against decisions of justices	—
		Section 303	Arbitration	—
		Section 304	Saving from disqualification	—
		Section 305	Protection of members and officers	—
		Section 306	Compulsory purchase of land	—
		Sections 322 to 325	Defaulting local authorities	—
		Sections 330 to 334	Savings	—
1948 c. 26.	Local Government Act 1948	Section 116	Allowance to chairman	—
		Section 129	Payment of subscriptions to associations of local authorities	—
		Section 130	Insurance against accidents to members	Subsection (4) shall be omitted.
1956 c. 36.	Local Authorities (Expenses) Act 1956	Section 1	Payment of expenses of official and courtesy visits, etc.	—

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SCHEDULE 2

PART I

ENACTMENTS REPEALED

- Western Valleys (Monmouthshire) Sewerage Board Act 1903—* 1903 c. ccxlviii.
- Section 13 (Disqualifications).
 - Section 22 (Committees).
 - Section 76 (Extension of section 305 of Public Health Act 1875 to Board).
 - Section 77 (Power to borrow).
 - Section 78 (Mode of raising money).
 - Section 79 (Provisions of Public Health Act 1875 as to mortgages to apply).
 - Section 80 (Periods for discharge of loans).
 - Section 81 (Mode of payment off of money borrowed).
 - Section 82 (Sinking fund).
 - Section 83 (Protection of lender from inquiry).
 - Section 84 (Board not to regard trusts).
 - Section 85 (Appointment of receiver).
 - Section 86 (Power to re-borrow).
 - Section 87 (Annual return to Local Government Board).
 - Section 88 (Application of money borrowed).
 - Section 89 (Board may issue stock).
 - Section 91 (Inquiries by Local Government Board).
 - Section 93 (Powers to apply to Parliament).
- Western Valleys (Monmouthshire) Sewerage Board Act 1906—* 1906 c. clxii.
- Section 23 (Power to borrow).
 - Section 24 (Periods for discharge of loans).
 - Section 25 (Sections of Act of 1903 as to borrowing to apply).
 - Section 26 (Power to re-borrow).
 - Section 29 (Inquiries by Local Government Board).
- Western Valleys (Monmouthshire) Sewerage Board Act 1907—* 1907 c. cxxvii.
- Section 24 (Power to borrow).
 - Section 25 (Periods for discharge of loans).
 - Section 26 (Sections of Acts of 1903 and 1906 as to borrowing to apply).
- Western Valleys (Monmouthshire) Sewerage Board Act 1911—* 1911 c. xxv.
- Section 10 (Power to borrow).
 - Section 11 (Periods for discharge of loans).
 - Section 12 (Security for principal moneys).
 - Section 13 (Application of moneys borrowed).
 - Section 14 (Sections of Acts of 1903 and 1906 as to borrowing to apply to all principal moneys).
 - Section 15 (Power to use sinking fund instead of borrowing).
 - Section 16 (Power to re-borrow).
 - Section 17 (Payment of sale money etc. to sinking fund).
 - Section 19 (Accounts half-yearly balance sheets etc.).

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—cont.

PART II

ENACTMENTS PARTLY REPEALED

1903 c. ccxlviii. *Western Valleys (Monmouthshire) Sewerage Board Act 1903—*

In section 8 (Constitution of Board) the last paragraph shall be omitted.

1906 c. clxii. *Western Valleys (Monmouthshire) Sewerage Board Act 1906—*

In section 5 (Mynyddislwyn Council to become a constituent authority) the reference to section 13 of the Act of 1903 shall be omitted.

In section 7 (Sirhowy portion of Mynyddislwyn to be a constituent district) the reference to section 76 of the Act of 1903 shall be omitted.

1907 c. cxxvii. *Western Valleys (Monmouthshire) Sewerage Board Act 1907—*

In section 5 (Bedwellty and Tredegar councils to become constituent authorities) the reference to section 13 of the Act of 1903 shall be omitted.

In section 7 (Sirhowy portions of Bedwellty and Tredegar to be constituent districts) the reference to section 76 of the Act of 1903 shall be omitted.

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CHAPTER V

ARRANGEMENT OF SECTIONS

Section.

1. Confirmation of order in Schedule.
2. Short title.

SCHEDULE

THE WESTERN VALLEYS (MONMOUTHSHIRE) SEWERAGE BOARD

1. Citation and commencement.
2. Interpretation.
3. Amendment of Act of 1903.
4. Amendment of Acts of 1906 and 1907.
5. Public sewers.
6. Reserve fund.
7. Repeal of enactments.

SCHEDULES:

Schedule 1—Schedule added to Act of 1903.

Schedule 2—

Part I—Enactments repealed.

Part II—Enactments partly repealed.

