

[21 & 22 GEO. 5.] *Ministry of Health* [Ch. lxxvii.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*



## CHAPTER lxxvii.

An Act to confirm a Provisional Order of the Minister of Health relating to the Rhymney Valley Joint Sewerage District. A.D. 1931. —

[31st July 1931.]

**W**HEREAS under the provisions of the Public Health Act 1875 the Minister of Health has made a provisional order which needs confirmation by Parliament : 38 & 39 Vict. c. 55.

Be it therefore 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 :—

1. The order of the Minister of Health which as amended is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Rhymney Valley Joint Sewerage District) Act 1931. Short title.

[Ch. lxxvii.] *Ministry of Health* [21 & 22 GEO. 5.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*

A.D. 1931.

SCHEDULE.

RHYMNEY VALLEY JOINT SEWERAGE  
DISTRICT.

*Rhymney  
Valley  
Order.*

*Provisional Order partly repealing and altering a local Act  
and provisional order.*

WHEREAS the Rhymney Valley Sewerage Board were constituted by the Rhymney Valley Sewerage Board Act 1912 and were authorised to construct main trunk sewers and other works for the disposal of sewage;

And whereas by sections 88 to 102 of the local Act as altered by the Rhymney Valley Sewerage Board Orders 1919 and 1922 which were confirmed by Parliament provision is made with regard to the borrowing of moneys the establishment of sinking funds and the contributions of the constituent authorities to the expenses of the Board;

And whereas section 21 of the local Act prescribes seven members as the quorum of the Board and under section 27 their accounts are to be made up half-yearly;

And whereas section 303 of the Public Health Act 1875 was applied to the Board by section 4 of the local Act and the Board have applied to the Minister of Health for the issue of a provisional order partly to repeal and alter the local Act as amended by the provisional order of 1919 in the manner following:

Now therefore the Minister of Health in pursuance of the powers given to him by sections 297 and 303 of the Public Health Act 1875 and of all other powers enabling him in that behalf hereby orders as follows:—

PART I.

PRELIMINARY.

Short title  
and com-  
mencement.

1. This order may be cited as the Rhymney Valley Sewerage Board Order 1931 and shall come into operation on the date of the Act of Parliament confirming it.

Interpreta-  
tion.

2. In this order unless the context otherwise requires—

“constituent authority” means any one of the councils who for the time being are authorised to appoint a member or members of the Board;



[21 & 22 GEO. 5.] *Ministry of Health* [Ch. lxxvii.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*

- “revenues of the Board” “statutory borrowing power” and “statutory security” have the meanings assigned to those expressions by section 5 of the local Act; A.D. 1931.  
—  
Rhymney Valley Order.
- “the Board” means the Rhymney Valley Sewerage Board;
- “the commencement of this order” means the day upon which this order comes into operation;
- “the local Act” means the Rhymney Valley Sewerage Board Act 1912;
- “the Minister” means the Minister of Health;
- “the prescribed period” in relation to moneys borrowed by the Board means the period prescribed for the repayment of those moneys.

PART II.

BORROWING SINKING FUNDS &C.

*Borrowing Powers.*

3. In paragraph (c) of subsection (1) of section 88 of the local Act which authorises the Board to borrow the sum of two thousand five hundred pounds for working capital there shall be substituted for that sum the sum of five thousand pounds. Increase of limit of borrowing for working capital.

*Mortgages.*

- 4.—(1) The Board may from time to time make a scheme for prescribing one or more uniform periods within which all or any of the loans contracted by them under a statutory borrowing power shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans with or without modification all or any of the provisions of the local Act or this order in regard to the borrowing and repayment of money and may make provision in regard to all matters incidental to the objects of the scheme. Scheme for fixing equated periods for loans.

(2) No scheme made by the Board under this section shall have any force or effect until it is confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

[Ch. lxxvii.] *Ministry of Health* [21 & 22 GEO. 5.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*

A.D. 1931.

*Rhymney  
Valley  
Order.*

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Board as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under those general headings.

(5) The Board may with the sanction of the Minister and on the security of the revenues of the Board borrow such sums as may be necessary for the purpose of giving effect to a scheme under this section and for compensating the holders of securities of the Board for their consent to the scheme and any moneys so borrowed shall be repaid within such period as the Minister may sanction.

(6) Any scheme confirmed under this section may be altered extended amended or annulled by a scheme prepared and confirmed in like manner as the original scheme.

One form of  
mortgage for  
all purposes.

5.—(1) Notwithstanding anything in the local Act where the Board have for the time being any statutory borrowing power they may for the purpose of exercising that 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 repayment and shall be sealed with the common seal of the Board and may be made in the form set out in the second schedule to the local Act or in a form 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 the exercise 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 Board 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 order charged indifferently upon all the revenues of the Board.

(5) Nothing in this section shall alter or affect the obligations of the Board to provide for the repayment of the principal secured by mortgages granted under this section or the payment of interest thereon and all such sums shall be paid within the periods within which they would have been payable if this order had not been made.



[21 & 22 GEO. 5.] *Ministry of Health* [Ch. lxxvii.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*

6.—(1) There shall be kept at the office of the Board a register of the mortgages granted under the preceding section of this order and within fourteen days after the date of any such mortgage the clerk of the Board shall cause to be made an entry in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

A.D. 1931.

—  
*Rhymney  
Valley  
Order.*

Register of  
mortgages.

(2) Every such register shall be open to public inspection during office hours at the office of the Board without fee or reward and if the clerk of the Board or other person having the custody of the register shall refuse to allow such inspection he shall be liable to a penalty not exceeding five pounds.

7.—(1) Any mortgagee or other person entitled to any mortgage granted under the power conferred by the foregoing provision of this part of this order 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 set out in the second schedule to the local Act or in a form to the like effect.

Transfer of  
mortgages.

(2) There shall be kept at the office of the Board a register of the transfers under this section of mortgages 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 deed shall be produced to the clerk of the Board who shall on payment of a sum not exceeding five shillings cause an entry to be made in the 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 Board shall not be in any manner responsible to the transferee.

(3) 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 entitled to release or discharge any such mortgage or any money secured thereby.

8. If the clerk of the Board shall wilfully neglect or refuse to make in a register of mortgages or of transfers of mortgages any entry by this part of this order required to be made in the register he shall be liable to a penalty not exceeding twenty pounds.

Penalty for  
neglect &c.  
to enter in  
register of  
mortgages or  
of transfers.

9.—(1) Every deed of transfer of any mortgage of the Board whether granted under this part of this order or not shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

Contents of  
deed of  
transfer and  
evidence.

[Ch. lxxvii.] *Ministry of Health* [21 & 22 GEO. 5.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*

A.D. 1931.

*Rhymney  
Valley  
Order.*

(2) The Board before registering any such transfer may if they think fit require evidence of the title of any person claiming a right to make the transfer either by means of a statutory declaration by one or more competent persons or of such other nature as the Board may decide.

*Sinking Funds.*

Formation  
&c. of  
sinking  
funds.

10.—(1) If the Board determine to repay by means of a sinking fund any moneys borrowed by them under any statutory borrowing power the sinking fund shall be formed and maintained either—

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed; 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-and-a-half per centum per annum or at such other rate as the Minister may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which the sinking fund is formed and such annual sums as are equivalent to interest on the amount which should from time to time be standing to the credit of the fund at the rate per centum on which the annual payments to the fund are based.

(2) A sinking fund formed under paragraph (a) of subsection (1) of this section is in this order called a non-accumulating sinking fund and a sinking fund formed under paragraph (b) of that subsection is in this order called an accumulating sinking fund.

(3) Every sum paid to a sinking fund unless applied in repayment of the loan in respect of which the sinking fund is formed or in the manner authorised by section 95 of the local Act shall be immediately invested in statutory securities and the Board shall be at liberty from time to time to vary and transpose the investments.

(4) All interest on the investments of a sinking fund shall be carried by the Board to the credit of the revenues of the Board.

(5) The Board 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 :



[21 & 22 GEO. 5.] *Ministry of Health* [Ch. lxxvii.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*

Provided that in the case of an accumulating sinking fund the Board 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 the sinking fund or part of the sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

A.D. 1931.

—  
*Rhymney  
Valley  
Order.*

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

11.—(1) If it appears to the Board at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this order together with the probable 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 Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose :

Increase  
reduction or  
discontinu-  
ance of  
payments to  
sinking fund

Provided that if it appears to the Minister that any such increase is necessary the Board shall increase the payments to such extent as the Minister may direct.

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

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

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

(5) 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 purposes as the Board with the consent of the Minister may determine.



[Ch. lxxvii.] *Ministry of Health* [21 & 22 GEO. 5.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*

A.D. 1931.

—  
*Rhymney  
Valley  
Order.*

Interest on  
and pay-  
ments to  
sinking  
funds &c.

12. Where sums are set apart as or appropriated to a sinking fund or stock redemption fund for the purpose of paying off moneys borrowed or stock or debentures issued by the Board in the exercise of their powers under the local Act and this order the interest received in any year from the investment of the sums so set apart or appropriated shall instead of being accumulated in accordance with the provisions of the local Act and this order or the Stock Regulations 1891 to 1921 form part of the revenues of the Board for that year and be paid into the general revenue account of the Board but the contribution to be made to the sinking fund or stock redemption fund (in the case of an accumulating fund) out of the revenues of the Board shall in that year include a sum equivalent to interest on the amount which should for the time being be standing to the credit of the fund and on the amount (if any) previously applied from the fund in or towards the discharge of the money for the repayment of which the fund is formed and that interest shall be calculated at the rate per centum per annum on which the annual payments to the fund are based.

Application  
of foregoing  
provisions to  
sinking funds  
formed  
before com-  
mencement  
of this order  
and repeal.

13.—(1) The foregoing provisions relating to sinking funds of this part of this order shall extend to any sinking fund formed by the Board for the repayment of any moneys borrowed by them before the commencement of this order under any statutory borrowing power and the Board shall make such adjustments of any existing sinking fund and of the entries relating to it in their books and accounts as the Minister may approve or require.

(2) Section 94 of the local Act and so much of the Ministry of Health Provisional Orders Confirmation (No. 1) Act 1919 as confirms article III of the Rhymney Valley Sewerage Board Order 1919 are hereby repealed.

*Miscellaneous Provisions.*

Returns as to  
repayment  
of debt.

14.—(1) The clerk of the Board shall if and when he is requested by the Minister so to do send to the Minister a return showing the provision made for the repayment of any loans raised by the Board in pursuance of any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Board and shall be sent within one month after the making of the request and the clerk in the event of his failing to make or verify such return shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister and notwithstanding the recovery of such penalty the making



[21 & 22 GEO. 5.] *Ministry of Health* [Ch. lxxvii.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*

and verification of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court. A.D. 1931.

—  
*Rhymney  
Valley  
Order.*

(3) If it appears to the Minister either from a return made under this section or otherwise that the Board 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 or order under which the moneys were raised or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than an authorised purpose the Minister may by order direct that the sum in the order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in the order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) As soon as an order under subsection (3) of this section has been complied with it shall be the duty of the Board so to inform the Minister.

(5) Section 101 of the local Act (which relates to annual returns to the Minister with respect to sinking funds) is hereby repealed.

15. It shall not be obligatory on the Board to receive or register any transfer assignment certificate of death burial bankruptcy or marriage or any probate letters of administration or other document evidencing a transmission of any security of the Board (not being a security issued under the Local Loans Act 1875 or a security to which the Stock Regulations 1891 to 1921 apply) unless the security or a certificate of the security shall have been produced to the clerk of the Board and temporarily deposited with him for the purpose of the endorsement thereon of a memorandum of the transmission or the issue of a new security or certificate thereof or where a new security or certificate is to be issued for the purpose of the cancellation of the security or certificate so deposited. Evidence of transfer or transmission of securities.

16. Where more persons than one are registered as joint owners of any mortgage debenture or other security of the Board any one owner may give an effectual receipt for interest on the security unless notice to the contrary has been given to the Board or their clerk by another of the joint owners. Interest on securities held jointly.

17. If any money is payable to a mortgagee or the holder of any stock debenture or other security of the Board being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Board. Receipt in case of persons not sui juris.

[Ch. lxxvii.] *Ministry of Health* [21 & 22 GEO. 5.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*

A.D. 1931.

*Rhymney  
Valley  
Order.*

Quorum of  
Board.

PART III.

GENERAL PROVISIONS.

18.—(1) No business shall be transacted at a meeting of the Board unless at least five members of the Board who were not appointed by one and the same constituent authority are present at the meeting.

(2) Section 21 of the local Act is hereby repealed.

Accounts  
abstracts and  
auditor's  
report.

19.—(1) The accounts of the Board shall be made up to the thirty-first day of March in each year or to such other day as the Minister may approve.

(2) Within three months after the close of each financial year the Board shall cause an abstract of their accounts for that year to be prepared and the clerk of the Board shall as soon as practicable after the completion of the abstract forward a copy of the abstract to each constituent authority.

(3) A copy of any report made by the district auditor on the accounts of the Board shall be forwarded by the clerk of the Board to each constituent authority as soon as may be after the completion of the audit.

(4) Section 27 of the local Act is hereby repealed.

Contribu-  
tions to  
common  
fund of  
Board.

20.—(1) Notwithstanding anything in section 102 of the local Act the provisions of—

(a) paragraphs (a) to (f) of subsection (2) of section 9 of the Rating and Valuation Act 1925 except the words in paragraph (b) within brackets the proviso to paragraph (c) the words in paragraph (d) from “if provision” to “urban rating area” and the words in paragraph (e) from “and for the purpose of” to the end of that paragraph;

(b) the Rating and Valuation Act (Product of Rates and Precepts) Rules 1929 except the proviso to article 4 and in paragraph (1) of article 6 the words from “and in the case” to the end of that paragraph;

shall extend to precepts issued by the Board in respect of the financial year commencing on the first day of April nineteen hundred and thirty-two and in respect of each later financial year.

(2) The estimates made by the Board under subsection (2) of section 102 of the local Act of the amount of money to be required by them from the constituent authorities shall be made either yearly or half-yearly as the Board may from time to time determine.



[21 & 22 GEO. 5.] *Ministry of Health* [Ch. lxxvii.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*

(3) Where part only of a rating area is within the district of the Board any rate made to meet a precept of the Board shall be restricted to that part of the rating area.

A.D. 1931.

—  
*Rhymney  
Valley  
Order.*

(4) Upon the issue of a precept the Board shall supply the rating authority to whom it is addressed with such information as may reasonably be necessary for the preparation of the demand notes.

(5) Within two months after the commencement of the year or half-year or by instalments of such amounts and payable within such time as may be specified in the precept a constituent authority shall pay to the Board the amount due to the Board under the precept.

(6) In subsection (6) of section 102 of the local Act for the words "at the rate of four pounds per centum per annum" there shall be substituted the words "at such rate not exceeding six pounds per centum per annum as the Board may from time to time determine."

(7) Nothing in this section shall affect any exemption conferred on the urban district council of Caerphilly by the proviso to subsection (2) of section 102 of the local Act.

21.—(1) The Board may pay out of their revenues as expenses incurred by them under the local Act—

Power of  
Board to  
defray  
expenses of  
attending  
conferences  
or meetings  
and sub-  
scriptions.

(a) any reasonable expenses incurred by members of the Board in attending conferences or meetings of the Board; and

(b) any reasonable subscriptions (whether annually or otherwise) to the funds of any association of sewerage boards or other sewerage authorities formed for the purpose of consultation as to their common interests and the discussion of matters relating to sewage disposal or of the officers of any such authorities or to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of records of use or value to such authorities and any reasonable expenses of the attendance of any members or officers of the Board (not exceeding in any case four) at conferences or meetings of any such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceeding of any such conferences or meetings.

(2) The amount expended by the Board under this section shall not without the consent of the Minister exceed one hundred pounds in any one financial year.

[Ch. lxxvii.] *Ministry of Health* [21 & 22 GEO. 5.]  
*Provisional Order Confirmation (Rhymney Valley Joint  
Sewerage District) Act, 1931.*

A.D. 1931.  
—  
*Rhymney  
Valley  
Order.*  
Inquiries and  
expenses.

22.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary with reference to the purposes of this order and those inspectors shall for the purposes of any inquiry have all such powers as they have for the purpose of inquiries directed by the Minister under the Public Health Act 1875.

(2) Where the Minister causes any such inquiry to be held with reference to any of the purposes of this order the costs incurred by the Minister in relation to that inquiry (including such sum not exceeding five guineas a day as the Minister may determine for the services of any inspector or officer of the Minister engaged in the inquiry) shall be paid by the Board and the Minister may certify the amount of the costs so incurred and any sum so certified and directed by the Minister to be paid by the Board shall be a debt due to the Crown from the Board.

Prosecution  
of offences  
&c.

23.—(1) All offences against this order may be prosecuted and all penalties recoverable under this order may be recovered in a summary manner.

(2) A judge or justice of the peace shall not be disqualified for acting in the execution of this order by reason of being liable to contribute to any rate.

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