# CHAPTER xlviii.

An Act to confer further powers on the Eastern Valleys (Monmouthshire) Joint Sewerage Board. A.D. 1915.

[15th July 1915.]

WHEREAS by the Eastern Valleys (Monmouthshire) Joint Sewerage Order 1912 (in this Act referred to as "the Order of 1912") made under and in pursuance of section 279 of the Public Health Act 1875 and scheduled to and confirmed by the Local Government Board's Provisional Order Confirmation (No. 13) Act 1912 the urban districts of Abersychan Blaenavon Llantarnam Llanvrechva Upper Panteg and Pontypool (in this Act referred to as "the constituent districts") were formed into a united district called the Eastern Valleys (Monmouthshire) Joint Sewerage District of which the governing body is the Eastern Valleys (Monmouthshire) Joint Sewerage Board (in this Act referred to as "the Board"): 2 & 3 Geo. 5. c. clxi.

And whereas by Article XV. (Purposes for which united district is formed) the Board were empowered and required either to apply to Parliament not later than the session of one thousand nine hundred and fifteen or to apply to the Local Government Board not later than the year one thousand nine hundred and fourteen for a Provisional Order for amongst other powers the following (that is to say):—

(A) The construction and maintenance of a main sewer or main sewers and of any such works as may be required for the reception and disposal of the sewage of the united district;

(B) The acquisition of such lands as may be necessary and the construction maintenance execution erection and working of such works machinery and plant as may

A.D. 1915.

be required for conveying sewage from the constituent districts to the place or places where the sewage may be disposed of:

And whereas it is expedient that the period limited by the Order of 1912 within which the Board are empowered and required to apply to Parliament for the purposes mentioned in Article XV. of the Order of 1912 should be extended as in this Act provided:

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

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 and collective titles.

**1.** This Act may be cited as the Eastern Valleys (Monmouthshire) Joint Sewerage Board Act 1915 and this Act and the Eastern Valleys (Monmouthshire) Joint Sewerage Order 1912 may be cited together as the Eastern Valleys (Monmouthshire) Joint Sewerage Board Act and Order 1912 and 1915.

Interpretation.

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

"The Board" means the Eastern Valleys (Monmouthshire) Joint Sewerage Board;

"The clerk" means the clerk to the Board;

"The constituent authorities" means the urban district councils of Abersychan Blaenavon Llantarnam Llanvrechva Upper Panteg and Pontypool and "constituent authority" means any one of such urban district councils;

"The constituent districts" means the urban districts of the constituent authorities;

"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 Board or of any constituent authority;

"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 Board" means the moneys receivable by the Board from the constituent authorities and all rates and moneys which they are authorised to levy and collect within the constituent districts and any revenue arising from the undertaking of the Board or from any land or other property for the time being belonging to the Board.

Extension of time for application to Parliament.

**3.** The period limited by Article XV. of the Order of 1912 within which the Board are empowered and required to apply to Parliament for the powers mentioned in that article is hereby extended until and so as to include the session of one thousand nine hundred and eighteen.

No person to be a member of Board on behalf of more than one constituent authority.

**4.** No person being a member of the Board by election from any of the constituent authorities shall so long as he continues a member by virtue of such election be qualified to be also a member of the Board by election from any other constituent authority and any such subsequent election shall be void and if the same person shall be elected a member of the Board by more than one of the constituent authorities at the same election he shall choose under which election he will serve and the other election shall be deemed void.

Election of members to be certified to Board.

**5.** Whenever an election of a member or members of the Board has been made the clerk of the constituent authority by

A.D. 1915.

whom the election has been made shall by writing under his hand certify the election to the Board and every such certificate shall be conclusive evidence of such election.

Proceedings of Board not invalidated by irregularities.

**6.** Any act of the Board or any of the members thereof shall not be invalidated or be illegal by reason of any person not qualified or ceasing to be qualified acting as a member of the Board or by reason of any other irregularity error failure or omission in or about any election or in or about any matter preliminary or incidental thereto.

Power to appoint vice-chairman &c.

**7.** The Board may appoint one of their number to be vice-chairman of the Board provided that the chairman and vice-chairman shall at no time be chosen from the members representing the same constituent authority.

At all meetings of the Board the chairman or in his absence the vice-chairman or in the absence of both the chairman and the vice-chairman some member of the Board chosen by the members present shall preside.

In the event of the death or permanent incapacity or resignation in writing of the chairman or vice-chairman the Board shall appoint one of their members to fill the vacancy.

Minutes.

**8.** Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose and shall be signed by the chairman of the meeting or of the next ensuing meeting.

Standing orders.

**9.** Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings and business and vary or revoke the same.

Disputes with constituent authorities.

**10.** If at any time any difference arises between the Board and any of the constituent authorities respecting any matter arising out of the provisions of the Order of 1912 the same shall be referred to and be settled by the Local Government Board or by an arbitrator appointed by them and the cost of the reference shall be in the discretion of the Local Government Board or of the arbitrator as the case may be and Article XXI. of the Order of 1912 shall cease to apply to any such difference.

Power to alter number of members of Board.

**11.** On the application of any of the constituent authorities at any time within six months after the expiration of five years from the passing of this Act and at any time within six months

after the expiration of any subsequent period of five years the Local Government Board may after inquiry and previous notice thereof to the constituent authorities by order alter the number and proportion of members of the Board to be appointed by the constituent authorities or any of them and may make any provisions incident to or consequential on such alteration including an alteration in the number of members to form a quorum Provided that if the Local Government Board shall make any order under this section the proportion of members to be appointed by the constituent authorities or any of them respectively shall be based upon the assessable values of the property in the districts of the constituent authorities according to the valuation lists for the time being in force in such districts.

Power to borrow.

**12.**—(1) The Board may borrow at interest the sum of money requisite for paying the taxed costs charges and expenses of this Act as hereinafter provided.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Board may mortgage or charge the revenues of the Board.

(3) The Board shall pay off all moneys borrowed by them under this Act within five years from the passing of this Act.

Borrowing by means of mortgages.

**13.**—(1) The Board may raise all or any moneys which they are authorised to borrow or reborrow 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 and all such moneys shall rank together without any priority on account of the date of the mortgage or on any other account Provided that the provisions contained in the section of this Act of which 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.

(2) The provisions contained in sections 236 to 239 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 under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "local authority" in the said provisions shall be construed to mean the Board and the

A.D. 1915.

term "rates" shall be construed to include the revenues of the Board.

(3) The mortgages issued by the Board the endorsements thereon and transfers thereof may be in the forms contained in the Schedule to this Act or in forms to the like effect.

Board may issue stock.

**14.** The Board shall be deemed to be an urban authority within the meaning and for the purposes of Part V. of the Public Health Acts Amendment Act 1890 and to have adopted that Part of the Act and the Board may exercise any statutory borrowing power by the creation and issue of stock in the manner by that Act provided and subject to the provisions therein contained.

Application of moneys borrowed.

**15.** All moneys borrowed by the Board shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Board with the approval of the Local Government Board determine.

Mode of payment off of moneys borrowed.

**16.** The Board shall pay off all moneys borrowed by them 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 such instalments and partly by a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months from the time of borrowing the sum in respect of which the payment is made.

Sinking fund.

**17.**—(1) If the Board 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—

(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 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 pounds 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 or in accordance with the provisions of this Act of which the marginal note is "Alternative application of sinking fund" be immediately invested in statutory securities the Board 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 Board towards the equal annual payments to the fund.

(4) 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 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 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 equal annual payments to the fund are based any deficiency shall be made good by the Board:

(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 equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

A.D. 1915

(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 Board in addition to the payments provided for by this Act.

(7) 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 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 Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Board shall increase the payment to such extent as the Local Government Board may direct.

(8) If the Board 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 Board may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board may approve.

(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 Board may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(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

Board with the consent of the Local Government Board may determine.

Alternative application of sinking fund.

**18.** The Board may at any time apply the whole or any part of any sinking fund as follows:—

(1) Where the Board are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose any money for the time being forming part of a sinking fund (not being a sinking fund in respect of loans raised under the Local Loans Act 1875) as shall be available for the repayment of moneys borrowed by the Board and not shown by the deed to be raised in exercise of a particular borrowing power specified therein Provided that when exercising this power the Board shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(B) Credit the sinking fund with the repayment of an amount of the moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be moneys discharged by application of such sinking fund;

(C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the moneys equal to the sum withdrawn from the sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of this Act as to repayment and reborrowing shall apply thereto accordingly:

(2) When any of the moneys are discharged by the application of any part of the sinking fund the moneys so discharged shall be deemed to be in respect of such

A.D. 1915.

one or more of the statutory borrowing powers under which the moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in such proportions as the Board shall determine Provided that the amount of the moneys deemed to be discharged in respect of any statutory borrowing power shall not exceed the amount of the contributions paid into the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

The Board shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as the Local Government Board shall require.

Protection of lender from inquiry.

**19.** A person lending money to the Board under this Act shall not be bound to inquire as to the observance by the Board of any provisions of this Act nor be bound to see to the application nor be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Board not to regard trusts.

**20.** The Board shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given 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 Board shall be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board 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 in their register.

Power to reborrow.

**21.**—(1) The Board shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Board 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.

(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 Board 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 Board 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

(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.

Annual return to Local Government Board.

**22.**—(1) The clerk shall within twenty-one 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 pursuance of the provisions of this Act or in respect of any money raised thereunder 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 clerk showing for the year next preceding the making of such return or for such other period as the Local Government 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

A.D. 1915.

which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has 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 clerk 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.

(2) If it appears to the Local Government Board by that return 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 this Act 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 shall have 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.

Contributions of constituent authorities.

**23.** The amounts to be paid by the Board in respect of interest on moneys borrowed under or in pursuance of this Act and repayments of the principal of such moneys whether by instalments or by means of a sinking fund shall be deemed to be expenses incurred by the Board within the meaning of Article XVII. (Expenses of Joint Board) of the Order of 1912 and shall be defrayed by the Board out of their common fund.

Audit of accounts.

**24.** The accounts of receipts and expenditure of the Board under this Act shall be audited and examined in like manner and with the same consequences as the other accounts of the Board are examined.

Inquiries by Local Government Board.

**25.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem 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) 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 shall be paid by the Board or the constituent authorities or any of them in such manner as the Local Government Board may direct.

Costs of Act.

**26.** All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be taxed by the taxing officer of the House of Lords or of the House of Commons and such costs charges and expenses shall in the first instance be paid by the Board out of their common fund but may be repaid thereto out of the moneys to be borrowed by them under the powers of this Act.

A.D. 1915.

# The SCHEDULE referred to in the foregoing Act.

## FORM OF MORTGAGE.

EASTERN VALLEYS (MONMOUTHSHIRE) JOINT SEWERAGE BOARD.

BY virtue of the Eastern Valleys (Monmouthshire) Joint Sewerage Board Act 1915 and of other their powers in that behalf them enabling the Eastern Valleys (Monmouthshire) Joint Sewerage Board (hereinafter referred to as "the Board") in consideration of the sum of pounds paid to the treasurer of the Board 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 Board in the said Act defined as the said sum of pounds 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 to [him] or them with interest for the same (subject as hereinafter provided) after 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 offices of the Board at [(subject as hereinafter provided) on the day of one thousand nine hundred and ] [by ] [upon notice being given requiring to repay or to have repaid the said principal sum]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk

of the Board for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

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

Passed under the common seal of the Board in the presence of }

This mortgage is duly registered in the register of mortgages kept by me pursuant to the provisions in that behalf.

Dated this day of one thousand nine hundred and .

*The Endorsement within referred to.*

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

Dated this day of one thousand nine hundred and .

Witness

---

## Form of Transfer of Mortgage.

Eastern Valleys (Monmouthshire) Joint Sewerage Board.

I [the within named] *A.B.* [of ] in consideration of the sum of pounds paid to me 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 Eastern Valleys

A.D. 1915.

(Monmouthshire) Joint Sewerage Board at the yearly rate of in the hundred 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
FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

To be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LIMITED, 29, BREAMS BUILDINGS, FETTER LANE, E.C., and 28, ABINGDON STREET, S.W., and 54, ST. MARY STREET, CARDIFF; or
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
E. PONSONBY, LIMITED, 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, LIMITED, LONDON, W.C.