ELIZABETH II



1967 CHAPTER xxxiv

An Act to confer further powers upon the Rhymney Valley Sewerage Board; to amend the provisions of the local enactments relating to the Board's undertaking; and for other purposes. [27th July 1967]

WHEREAS the Rhymney Valley Sewerage Board was constituted and incorporated by the Rhymney Valley Sewerage Board Act, 1912 (hereinafter called "the Act of 1912") and authorised to construct certain main trunk sewers and other works for the disposal of the sewage of areas now comprising the whole of the urban district of Rhymney and parts of the urban districts of Bedwas and Machen and Bedwellty, all in the county of Monmouth, and parts of the urban districts of Caerphilly and Gelligaer in the county of Glamorgan: 1912 c. lxxxviii.

And whereas provision was made by the Act of 1912 for the reception into the sewers of the Board of sewage from areas now within the borough of Cardiff and the rural districts of Cardiff and Magor and St. Mellons upon the making of certain contributions to the revenues of the Board:

And whereas section 51 of the Act of 1912 empowers the Board to cause sewage to be discharged into the sea by means of the outfall sewer authorised by the Act of 1912 within a period extending from two hours before high water until two hours after high water, and at other times in cases of heavy rain or emergency, and section 59 of the Act of 1912 provides for the discharge of

sewage by the Board into the river Rhymney when the flow through the Board's sewers at any point exceeds in quantity the rate of 120 gallons per day per head of the population of the districts draining into those sewers above that point:

And whereas the said provisions of the Act of 1912 in relation to the discharge of sewage into the sea and into the river Rhymney are no longer realistic and should be amended as hereinafter contained:

And whereas by reason of the growing development for industrial and other purposes of areas the sewage of which is disposed of by the Board, it is expedient to confer further powers upon the Board and to make further provision as in this Act contained:

And whereas the provisions of the existing local enactments as to the contributions to be made to the Board's revenues by the constituent authorities and the contributing authorities are no longer appropriate or sufficient and should be amended as in this Act contained, and it is expedient that further provision should be made as to the hereditaments to be taken into account in the calculation and making of payments to the Board by constituent authorities and contributing authorities:

And whereas it is expedient that other powers should be conferred upon the Board, and that the local enactments relating to the Board's undertaking should be amended and modernised in other respects, as in this Act contained:

And whereas it is expedient that the other provisions of this Act should be enacted:

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

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:—

Short title and citation.

1.—(1) This Act may be cited as the Rhymney Valley Sewerage Board Act 1967.

1912 c. lxxxviii. 1919 c. cxiv. 1922 c. xl. 1931 c. lxxvii.

(2) The Rhymney Valley Sewerage Board Act, 1912, the Rhymney Valley Sewerage Board Order, 1919 (confirmed by the Ministry of Health Provisional Orders Confirmation (No. 1) Act, 1919), the Rhymney Valley Sewerage Board Order, 1922 (confirmed by the Ministry of Health Provisional Orders Confirmation (No. 3) Act, 1922), the Rhymney Valley Sewerage Board Order, 1931 (confirmed by the Ministry of Health Provisional

Order Confirmation (Rhymney Valley Joint Sewerage District) Act, 1931), the Rhymney Valley Sewerage Board Act, 1936, the Rhymney Valley and Western Valleys (Monmouthshire) Sewerage Boards Order, 1937 (confirmed by the Ministry of Health Provisional Order Confirmation (Rhymney Valley Sewerage District and Western Valleys (Monmouthshire) Sewerage District) Act, 1937), the Rhymney Valley Sewerage Board Order, 1952, and this Act may be cited together as the Rhymney Valley Sewerage Board Acts and Orders, 1912 to 1967.

1936 c. xxix.

1937 c. cvii.

S.I. 1952 No. 1057.

2.—(1) In this Act, unless the context otherwise requires— Interpretation.

" the Act of 1912 " means the Rhymney Valley Sewerage Board Act, 1912; 1912c. lxxxviii.

" the Board " means the Rhymney Valley Sewerage Board;

" constituent authority " means the council of a constituent district;

" constituent district " means the urban district of Rhymney and those parts of the urban districts of Bedwas and Machen, Bedwellty, Caerphilly and Gelligaer which now comprise—

(*a*) the areas defined and described in Parts I, II, III, IV and V of Schedule 1 to the Act of 1912; and

(*b*) the former parish of Bedwas in the former rural district of St. Mellons as the same existed on the passing of the Act of 1912;

" contributing authority " means the council of the county borough of Cardiff, the council of the rural district of Cardiff and the council of the rural district of Magor and St. Mellons;

" enactment " means any Act whether public general or local, and any order or other instrument made thereunder and any provision in any Act or in such order or instrument;

" enactments relating to trade effluent " means the Public Health (Drainage of Trade Premises) Act, 1937, and Part V of the Public Health Act, 1961; 1937 c. 40. 1961 c. 64.

" the Order of 1931 " means the Rhymney Valley Sewerage Board Order, 1931 (confirmed by the Ministry of Health Provisional Order Confirmation (Rhymney Valley Joint Sewerage District) Act, 1931); 1931 c. lxxvii.

" undertaking " means the undertaking of the Board as for the time being authorised by any enactment;

" year " means a period of twelve months beginning on the 1st April.

(2) Unless the context otherwise requires, references in this Act 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 Act.

Application of provisions of Public Health and Local Government Acts.

3. For section 4 (Application of provisions of Public Health Acts) of the Act of 1912 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 constituent districts, 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 Schedule 1 to the Rhymney Valley Sewerage Board Act 1967, and those enactments shall accordingly have effect as if re-enacted in this Act with the modifications set against certain such enactments in the said schedule, and with any further modifications necessary to make them applicable in terms to the Board, their members, officers and servants:

Provided that nothing in this section contained shall affect the powers of any constituent authority with reference to sewers other than the intercepting 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.

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

Discharge of sewage into the sea and the river Rhymney.

4.—(1) As from the appointed day section 51 (Time of discharge of sewage into sea) of the Act of 1912 shall be amended by substituting for the words "two hours", in both places where those words occur, the words "three hours", by substituting for the words "in case of heavy rain or emergency" the words "in case of emergency or if rendered necessary by unusually heavy rain" and by inserting at the end thereof the following proviso and subsection:—

"Provided also that the Board shall not cause any sewage to be discharged into the sea at any time during the period extending from three hours before high water until two hours before high water when the aggregate quantity of sewage contained in the tank or tanks (Work No. 2) and the sewers of the Board does not exceed the quantity which can be discharged into the sea by means of the outfall sewer (Work No. 1) in five hours.

(2) (*a*) The Board shall keep records of the quantity of sewage contained in the tank or tanks (Work No. 2) and the sewers of the Board at all times during any period during which the Board cause any sewage to be discharged into the sea and the Board shall permit the Usk River Authority to inspect such records at all reasonable times and to take copies thereof.

(*b*) If the Board fail to comply with the requirements of paragraph (*a*) of this subsection they shall be liable on summary conviction to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or continued."

(2) For the purpose of subsection (7) of section 11 of the Rivers (Prevention of Pollution) Act, 1951 (which contains a saving for a discharge of effluent authorised by a local Act) the provisions of sections 51 and 59 of the Act of 1912 as amended by this section shall be deemed not to be provisions of a local Act which expressly confer power to discharge effluent to any stream or other waters and the provisions of the Rivers (Prevention of Pollution) Acts, 1951 to 1961, shall accordingly apply to any such discharge as if it were not expressly authorised by the provisions of a local Act. 1951 c. 64.

(3) Notwithstanding anything contained in subsection (3) of section 9 of the Rivers (Prevention of Pollution) Act, 1961, the Usk River Authority shall be deemed to be the River Authority for the purposes of the application of that Act and section 7 of the Rivers (Prevention of Pollution) Act, 1951, to any tidal waters or parts of the sea in respect of the discharge of sewage by means of the outfall sewer (Work No. 1) authorised by the Act of 1912. 1961 c. 50.

(4) As from the appointed day section 59 (Sewage may be discharged into river Rhymney during floods) of the Act of 1912, shall be amended by substituting for the words " 120 gallons " the words " 200 gallons " and by inserting at the end thereof the following proviso:—

" Provided that the Secretary of State may on the application of the Board vary the said rate of 200 gallons per head per day by order under this section either by substituting a higher rate therefor or by providing for the application of a higher rate to a particular part or parts of the Board's sewers specified in the order; and the Secretary of State may cause to be held such inquiries as he may consider necessary in regard to the exercise of his powers under this proviso and section 290 of the Local Government Act, 1933, shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section." 1933 c. 51.

Consents, etc. under enactments relating to trade effluents and powers of entry and sampling.

5.—(1) A copy of every consent or condition to which this subsection applies shall be sent by the constituent authority or contributing authority concerned to the Board—

(*a*) in the case of a consent given or a condition attached or varied before the 1st October, 1967, not later than the 31st October, 1967; and

(*b*) in the case of a consent given or a condition attached or varied thereafter, within seven days after the consent was given or the condition was attached or varied.

(2) The preceding subsection applies to any consent given under the enactments relating to trade effluents and for the time being in force in relation to the discharge of trade effluent into a public sewer which is vested in a constituent authority or a contributing authority and discharges, whether directly or indirectly, into a sewer of the Board, and to the conditions, if any, which have been attached to such a consent.

(3) Any officer of the Board authorised by the Board in writing, either generally or specially, to act for the purposes of this section, shall have and may exercise the like powers of entry into premises from which trade effluent is discharged, whether directly or indirectly, into a sewer of the Board, as are exercisable under section 287 of the Public Health Act, 1936 (as applied by section 4 (Application of provisions of Public Health Acts), of the Act of 1912, as amended by this Act) by authorised officers of the Board for the purposes of the Board's functions under the Act of 1912.

1936 c. 49.

(4) Any such officer as is mentioned in subsection (3) of this section, on any occasion on which he enters any premises in exercise of the power conferred on him by that subsection, shall have and may exercise the like powers of obtaining and taking away samples of trade effluents passing from those premises into a public sewer of a constituent authority or a contributing authority as are exercisable under subsection (1) of section 10 of the Public Health (Drainage of Trade Premises) Act, 1937, in relation to trade effluents passing into a sewer of the constituent authority or contributing authority by authorised officers of the authority concerned who enter premises in exercise of powers exercisable by them under section 287 of the said Act of 1936.

1937 c. 40.

Payments received by constituent authorities and contributing authorities under enactments relating to trade effluents.

6.—(1) Any payment received by a constituent authority or a contributing authority in respect of the reception and disposal of trade effluent discharged into a public sewer vested in them which discharges, whether directly or indirectly, into a sewer of the Board shall be apportioned between the constituent authority or the contributing authority (as the case may be) and the Board in such proportions as may be agreed between them or, in default of agreement, as shall be determined by arbitration; and any sum agreed or determined to be payable to the Board by a constituent authority or contributing authority shall be paid by that authority to the Board forthwith.

(2) An arbitrator for the purposes of this section shall be appointed by agreement between the parties or, in default of agreement, by the Secretary of State.

Powers of inspection.

7. The Board shall have the right, after reasonable notice to any constituent authority or contributing authority, or to the owner of any private sewer, to inspect any sewer of that authority or owner which communicates directly or indirectly with any sewer of the Board, and for the purposes of such inspection the Board shall have all the powers of the constituent authority or contributing authority or of the local authority within whose district the sewer is situate (as the case may be) in relation thereto.

As to Board's obligation to underpin, etc.

8. Section 58 (Board empowered or may be required to underpin or otherwise strengthen houses near works) of the Act of 1912 shall not apply to a house or building, or to an extension of a house or building, if the erection or extension was begun after the commencement of this Act.

Duty of Board to keep map and to send copies to local authorities.

9. The Board shall keep deposited at their principal office, for inspection by any person at all reasonable hours free of charge, a map showing the position of all sewers of the Board; and copies of such map shall be provided by the Board to each constituent authority and contributing authority.

Board's sewers to be public sewers.

1950 c. 39.

10. 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 Act and of the Public Utilities Street Works Act, 1950.

Indirect communications.

11.—(1) In this section "communication" means a communication made with a sewer vested in a constituent authority or contributing authority, or with a private sewer, which discharges (whether directly or indirectly) into a sewer of the Board.

(2) If in the case of any communication the constituent authority or contributing authority concerned, or the owner of the private sewer (as the case may be)—

(*a*) cause or permit to pass into a sewer or work of the Board any liquid matter, substance or thing which would be injurious to the construction, use, repair, inspection or efficiency of a sewer or work of the Board or which would cause or be likely to cause silting up, corrosion or decay of the materials thereof or accidents thereto; or

(*b*) fail to prevent so far as practicable storm water and surface or subsoil water from flowing into the communication and thence into the sewer of the Board;

the Board may, after consultation with the constituent authority or contributing authority concerned, or the owner of the private sewer (as the case may be), serve notice on that authority or owner requiring disconnection of the communication.

(3) (*a*) Any authority or owner on whom notice is served as aforesaid and who is aggrieved thereby may within twenty-one days from the service of such notice appeal to a magistrates' court against the same; and on any such appeal the court may by order confirm or set aside such notice.

(*b*) If no such appeal is lodged, or if on any such appeal the court confirm the notice, the authority or owner on whom the notice was served shall disconnect the communication within fourteen days from the expiry of the said period of twenty-one days, or from the date of the court's order (as the case may be) and in default the Board may do all things necessary to disconnect the communication.

(4) In this section "magistrates' court" has the meaning assigned thereto by section 124 (1) of the Magistrates' Courts Act, 1952.

1952 c. 55.

Power to acquire land compulsorily.

12.—(1) The Board may be authorised by the Secretary of State to acquire compulsorily any land they require for the performance of their functions under any enactment.

(2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section and accordingly shall have effect as if this section were an enactment contained in a public general Act in force immediately before the commencement of the said Act of 1946.

1946 c. 49.

Contributions to common fund of Board.

13.—(1) In relation to the year beginning on the 1st April, 1968, and each year thereafter, section 102 (Contributions of constituent authorities) of the Act of 1912, as amended by section 20 (Contributions to common fund of Board) of the Order of 1931, shall have effect as set out in Schedule 2 to this Act.

(2) As from the 1st April, 1968, the said section 20 of the Order of 1931 shall be repealed save so far as it may be necessary for that section to continue in force to enable the Board to recover any sum due to them in respect of the year ending on the 31st March, 1968, and those parts of section 4 (Deficiencies in revenues of certain boards) of the Bedwellty Urban District Council Act, 1936, which amend or vary provisions of the Act of 1912 and the Order of 1931 shall cease to have effect.

1936 c. xxxvii.

Payments by contributing authorities.

14.—(1) (*a*) The provisions of section 72 (For protection of Llandaff and Dinas Powis Rural District Council) and section 73 (For protection of St. Mellons Rural District Council) of the Act of 1912 are hereby amended as specified in Part I of Schedule 3 to this Act.

(*b*) Unless the context otherwise requires—

(i) references in the said section 72 to the Llandaff and Dinas Powis Rural District Council shall be construed as references to the council of the rural district of Cardiff;

(ii) references in the said section 73 to the St. Mellons Rural District Council shall be construed, in relation to areas now within the county borough of Cardiff as references to the mayor, aldermen and burgesses of that borough, and in relation to areas now within the rural district of Magor and St. Mellons as references to the council of that district.

(2) The provisions of any subsisting agreement between the Board and a contributing authority shall, so far as the said provisions are inconsistent with the said section 72 or the said section 73 as hereby amended, cease to have effect.

Reserve fund.

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

(*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.

(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 1 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 5 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.

(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 in the Local Government Act, 1933, but does not include any annuities, rent-charges or securities transferable by delivery or any securities created by the Board.

1933 c. 51.

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

Payment of certain expenses.

16.—(1) The Board may pay—

(*a*) to the chairman of the Board such allowance as they think reasonable for the purpose of enabling him to meet the expenses of his office;

(*b*) reasonable expenses incurred by the Board on account of or in connection with—

(i) the public opening or inspection of any works of the Board;

(ii) the provision of refreshments for their representatives and any other persons attending conferences or meetings convened by the Board in connection with the undertaking;

(iii) the reception and entertainment of persons representative of or connected with sewerage or sewage disposal or other public services and the supply of information to any such persons.

(2) The Board may defray any travelling or other expenses reasonably incurred by or on behalf of any members or officers of the Board in making official visits on behalf of the Board:

Provided that the amount defrayed under this subsection in respect of expenses of any member of the Board shall not exceed the payment which he would have been entitled to receive by way of travelling allowance or subsistence allowance under section 113 of the Local Government Act, 1948, if the making of the visit had been an approved duty of that member within the meaning of that section.

1948 c. 26.

(3) The Board may pay reasonable subscriptions, whether annually or otherwise, to the funds—

(*a*) of any association of authorities carrying on sewerage or sewage disposal undertakings formed for the purpose of consultation as to the common interests of those authorities and the discussion of matters relating to their functions; or

(*b*) of such associations of officers or members of such authorities, being associations formed for the purposes aforesaid, as may be approved by the Secretary of State.

(4) The Board may pay reasonable subscriptions, whether annually or otherwise, to the funds of any scientific or other society or body (not carrying on business for profit) which is

engaged, or whose members are engaged, in research or the keeping of records of value to authorities carrying on sewerage or sewage disposal undertakings and the reasonable expenses of the attendance of any members or officers of the Board at conferences or meetings of any such society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings.

(5) Paragraph (*b*) of subsection (1) of section 21 (Power of Board to defray expenses of attending conferences or meetings and subscriptions) of the Order of 1931, and subsection (2) of that section, are hereby repealed.

Miscellaneous amendments of local enactments.

17. The provisions of the Act of 1912 referred to in Part II of Schedule 3 to this Act are hereby amended as specified in that Part of the said schedule.

Repeals.

18. The provisions of the Act of 1912 specified in Schedule 4 to this Act are hereby repealed.

The appointed day.

19.—(1) In section 4 (Discharge of sewage into the sea and the river Rhymney) of this Act "the appointed day" means such day as may be fixed by resolution of the Board subject to and in accordance with the provisions of this section.

(2) Different days may be fixed under this section for the purpose of subsection (1) and subsection (4) of the said section 4.

(3) The Board shall cause to be published in a local newspaper circulating in the constituent districts notice—

(*a*) of the passing of any such resolution and of the day fixed thereby, and

(*b*) of the general effect of the provisions of the said section 4 coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of three months from the date of publication of the said notice.

(4) Not later than the date of publication of the said notice the Board shall serve a copy thereof on the Usk River Authority.

(5) Either—

(*a*) a copy of any such newspaper containing any such notice, or

(*b*) a photostatic or other reproduction certified by the clerk of the Board to be a true reproduction of a page or part of a page, of any such newspaper bearing the date of its publication and containing any such notice,

shall be evidence of the notice and of the date of the publication.

Costs of Act.

20. All costs, charges and expenses preliminary to and of and incidental to the preparing for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Board.

SCHEDULES

Section 10.

SCHEDULE 1

ENACTMENTS APPLIED AND RE-ENACTED IN ACT OF 1912

	Short title	Enactment applied	Subject matter	Modifications
1875 c. 55.	The Public Health Act, 1875	Sections 297 and 298	Provisional orders	—
		Section 303 ...	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 58 ...	Re-election ...	—
		Section 59 ...	Disqualification for office	Paragraph (*g*) of subsection (1) and subsections (3), (4) and (5) shall be omitted.
		Section 63 (1)	Vacation of office by failure to attend meetings	—
		Section 64 ...	Declaration of vacancy in office	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.
		Section 76 ...	Disability for voting	In subsection (8) 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 ".

SCH. 1 —*cont.*

Short title	Enactment applied	Subject matter	Modifications
Local Government Act, 1933—*contd.*	Sections 85 and 94 to 96	Committees ...	The proviso to section 94 shall be omitted.
	Sections 107 (4), 119, 120, 121 and 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 157 and 158	Acquisition of land	—
	Sections 219, 222 to 233, 234 (2), 241 and 242	Accounts and audit	—
	Section 266 ...	Contracts of local authorities	—
	Sections 276 to 278	Legal proceedings	—
	Section 283 ...	Inspection of documents	Subsections (5) and (8) shall be omitted.
	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 ...	—
Public Health Act, 1936	Sections 14 to 16, 22, 23, 25 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	—

SCH. 1 —*cont.*

Short title	Enactment applied	Subject matter	Modifications
Public Health Act, 1936—*contd.*	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	—
	Sections 322 to 325	Defaulting local authorities	—
	Sections 330 to 334	Savings	—
Local Government Act, 1948	Section 130 ...	Insurance against accidents to members	Subsection (4) shall be omitted.

1936 c. 49.

1948 c. 26.

SCHEDULE 2

Section 13.

SECTION 102 OF THE ACT OF 1912 AS AMENDED BY THIS ACT

Contributions to common fund of Board.

102.—(1) The expenses incurred by the Board in pursuance of the Rhymney Valley Sewerage Board Acts and Orders, 1912 to 1967 or any other enactment, so far as not met out of borrowings, shall be defrayed out of a common fund to which shall be carried all contributions made by the constituent authorities under the provisions of this section and all other revenue received by the Board under any enactment.

(2) Before the commencement of each year the Board shall make or cause to be made estimates of their probable income and expenditure on revenue account during that year, making allowances for any estimated credit or debit balance to be brought forward from a previous year and for a reasonable working balance.

(3) The Board shall apportion the sum estimated to be required by them in pursuance of subsection (2) of this section among the constituent authorities so that there shall be apportioned to each constituent authority a sum bearing to the total sum estimated to be required the same proportion as the product of a penny rate for the constituent district of that authority bears to the sum of such products for all the constituent districts.

(4) As soon as may be in respect of the year to which their estimates relate the Board shall issue a precept to each constituent authority for a sum equal to the amount apportioned to that authority under the last foregoing subsection and upon the issue of that precept shall provide the constituent authority to whom it is addressed with such information as may be reasonably required by that authority for the purpose of preparing demand notes for general rate.

(5) A precept so issued—

(*a*) shall specify a rate of such an amount in the pound (being the same amount in the case of each constituent district) as may be requisite, if levied on the constituent districts, to produce the amount apportioned as aforesaid among the constituent authorities;

(*b*) shall require the constituent authority concerned to levy as part of the general rate, over the whole of that authority's rating area, a rate in the pound calculated to produce the same amount as a rate of the amount specified in the precept would have produced if levied upon the constituent district alone; and

(*c*) may require payment thereof by such instalments, payable on such dates, as may be specified therein and shall be payable by any instalments so specified or, if no instalments are specified, as to one-half thereof within two months after the commencement of the year to which the precept relates and as to the remainder within eight months after the commencement of that year.

SCH. 2 —*cont.*

(6) If any constituent authority fails to pay any amount so apportioned within the time aforesaid such unpaid amount shall bear interest until payment at a rate two per cent. above the bank rate from time to time prevailing or at the rate of four per cent., whichever is the greater, from the date upon which each amount became due for payment until the actual date of payment, less income tax at the standard rate or rates then prevailing.

1967 c. 9.

(7) Any sum mentioned in a precept issued under this section by the Board to any constituent authority shall be a debt due from that authority and may be recovered accordingly, without prejudice, however, to the right of the Board to exercise any powers conferred upon them by section 15 of the General Rate Act 1967, or any statutory modification or re-enactment thereof.

(8) Each constituent authority shall, in relation to its constituent district, as soon as may be after the end of each year, calculate in respect of that year the difference (if any) between the sum for which a precept was issued to the constituent authority for that district under this section and the sum which would have been required to be contributed by that authority if the sum apportioned among the constituent authorities pursuant to subsection (3) of this section had been apportioned by reference to the actual product of a rate of a penny in the pound for the constituent districts; and the Board shall pay to or, as the case may require, recover from the constituent authority concerned any amount shown by the constituent authority's calculation to have been overpaid or underpaid by that authority:

Provided that the Board may by notice in writing to a constituent authority require any such calculation to be certified by the district auditor or a person appointed by him and in that event the amount to be paid to or, as the case may require, recovered from the constituent authority shall be the amount so certified.

(9) (*a*) For the purposes of this section the expression " the product of a penny rate " means (subject to the provisions of this subsection) the product of a penny rate in the pound estimated as follows:—

(i) in the case of the council of the urban district of Rhymney, as estimated for the purpose of subsection (4) of section 12 of the General Rate Act 1967 (which provides for the making of estimates of a rate of a penny in the pound), or for the purpose of any statutory provision amending or replacing that subsection;

(ii) in the case of any other constituent authority, as estimated by the constituent authority (or failing the provision of an estimate by that authority, as estimated by the Board) in accordance with the principles of rules for the time being in force for the purposes of the said subsection (4) or for the purposes of any statutory provision amending or replacing the same.

SCH. 2 —*cont.*

(*b*) In the case of a constituent district which is not the whole of the rating area of the constituent authority for that district the product of a penny rate shall be estimated as if there were included in the valuation list rateable values for hereditaments occupied by gas and electricity undertakers of amounts equal to the respective rateable values of the hereditaments which those undertakers are, for the purposes of sections 33 and 34 of the General Rate Act 1967, to be treated as occupying during the relevant period; and such rateable values shall be apportioned between the constituent district and the remainder of the rating area of the constituent authority by reference to the aggregate rateable values as at the 1st April in that year of hereditaments included in the valuation list for those respective areas.

1967 c. 9.

(*c*) In the last foregoing paragraph " gas and electricity undertakers " includes the Gas Council, area gas boards, the Electricity Council, the Central Electricity Generating Board and area electricity boards.

Section 14.

SCHEDULE 3

PART I

AMENDMENTS OF PROVISIONS OF ACT OF 1912 RELATING TO PAYMENTS BY CONTRIBUTING AUTHORITIES

Enactment (1)	Amendment (2)
Section 72 (For protection of Llandaff and Dinas Powis Rural District Council)	In paragraph (1) for the words " such terms and subject to such conditions as may failing agreement be settled by arbitration " there shall be substituted the words " the council making the payments referred to in paragraph (9A) of this section and upon and subject to such other terms and conditions as may failing agreement be settled by arbitration ". In paragraph (2) for the words " such terms and conditions as failing agreement shall be determined by arbitration " there shall be substituted the words " the council making the payments referred to in paragraph (9A) of this section and upon and subject to such other terms and conditions as may failing agreement be settled by arbitration ". In paragraph (6) for the words " four per centum per annum " there shall be substituted the words " two per centum above the bank rate from time to time prevailing or at the rate of four per centum, whichever is the greater ". After paragraph (9) there shall be inserted the following new paragraphs:— " (9A) The council shall, not later than the 31st August in each year, pay to the Board in respect of the use of the sewers and works of the Board for the purpose of disposing of sewage from the areas referred to in paragraphs (1) and (2) of this section such annual sum as shall be equivalent to the product of a rate of such amount in the pound as, in respect of the year concerned, is specified in the precepts issued by the Board to the constituent authorities pursuant to paragraph (*a*) of subsection (5) of section 102 (Contributions to common fund of Board) of this Act as amended by and re-enacted in the Rhymney Valley Sewerage Board Act 1967, levied on the hereditaments appearing in the

SCH. 3
—*cont.*

Enactment (1)	Amendment (2)
Section 72—*continued*	valuation list on the 1st April in the year concerned, or deemed so to appear by paragraph (9B) of this section, and situated within the areas the sewage from which is to be disposed of by the Board. (9B) For the purposes of the last foregoing paragraph there shall be deemed to be included in the valuation list in relation to the said areas— (*a*) rateable values in respect of hereditaments which are occupied by gas and electricity undertakers and the sewage from which discharges directly or indirectly into the Board's sewers at amounts to be determined, in the event of dispute between the council and the Board, by an arbitrator to be appointed, in default of agreement between the parties, by the President of the Royal Institution of Chartered Surveyors; (*b*) such rateable values in respect of new hereditaments not appearing in the valuation list at such amounts as are, on the 1st April in the year concerned, proposed to be included in the valuation list by the Valuation Officer, Inland Revenue; but so that if the proposed rateable value for any individual hereditament exceeds fifty per centum of the total existing rateable values of properties within the contributory area, and an appeal has been lodged against such proposal, the value to be so included shall be such proportion of the proposed rateable value as the amount of rates paid by the ratepayer in respect of that hereditament pending settlement of the appeal bears to the total amount of rates which would be payable on the proposed rateable value; (*c*) such additional amounts as are on the 1st April in the year concerned, proposed by the Valuation Officer, Inland Revenue, to be added to the rateable values appearing in the valuation list in

SCH. 3 —*cont.*

Enactment (1)	Amendment (2)
Section 72—*continued*	respect of any hereditaments which have been altered or extended but so that no such additional amounts shall be deemed to be included in the valuation list in respect of any hereditament if the additional amount is less than forty per centum of the amount of the rateable value appearing in the valuation list or, if forty per centum would exceed five hundred pounds, is less than five hundred pounds. In this paragraph 'gas and electricity undertakers' includes the Gas Council, area gas boards, the Electricity Council, the Central Electricity Generating Board and area electricity boards. (9C) For the purpose of enabling the Board to calculate the annual sum payable under paragraph (9A) of this section the council shall, not later than the 31st May in each year, provide to the Board a statement of the rateable values of the hereditaments appearing in the valuation list on the 1st April in the year concerned or deemed so to appear by paragraph (9B) of this section."
Section 73 (For protection of St. Mellons Rural District Council)	For paragraphs (5) and (6) there shall be substituted the following new paragraphs:— "(5) The St. Mellons Council shall, not later than the 31st August in each year, pay to the Board in respect of the use of the sewers and works of the Board used for the discharge of sewage coming from the aforesaid parishes such annual sum as shall be equivalent to the product of a rate of such amount in the pound as, in respect of the year concerned, is specified in the precepts issued by the Board to the constituent authorities pursuant to paragraph (*a*) of subsection (5) of section 102 (Contributions to common fund of Board) of this Act as amended by and re-enacted in the Rhymney Valley Sewerage Board Act 1967, levied on the hereditaments appearing in the valuation list on the 1st April in the year concerned, or deemed so to appear by paragraph (6)

SCH. 3
—*cont.*

Enactment (1)	Amendment (2)
Section 73—*continued*	of this section, and situated within the areas the sewage from which is to be disposed of by the Board. Any such area as aforesaid is hereinafter in this section referred to as a "contributory area".
	(6) For the purposes of the last foregoing paragraph there shall be deemed to be included in the valuation list in relation to the contributory areas— (*a*) rateable values in respect of hereditaments which are occupied by gas and electricity undertakers and the sewage from which discharges directly or indirectly into the Board's sewers at amounts to be determined, in the event of dispute between the council and the Board, by an arbitrator to be appointed, in default of agreement between the parties, by the President of the Royal Institution of Chartered Surveyors; (*b*) such rateable values in respect of new hereditaments not appearing in the valuation list at such amounts as are, on the 1st April in the year concerned, proposed to be included in the valuation list by the Valuation Officer, Inland Revenue; but so that if the proposed rateable value for any individual hereditament exceeds fifty per centum of the total existing rateable values of properties within the contributory area, and an appeal has been lodged against such proposal, the value to be so included shall be such proportion of the proposed rateable value as the amount of rates paid by the ratepayer in respect of that hereditament pending settlement of the appeal bears to the total amount of rates which would be payable on the proposed rateable value; (*c*) such additional amounts as are, on the 1st April in the year concerned, proposed by the

SCH. 3 —*cont.*

Enactment (1)	Amendment (2)
Section 73—*continued*	Valuation Officer, Inland Revenue, to be added to the rateable values appearing in the valuation list in respect of any hereditaments which have been altered or extended but so that no such additional amounts shall be deemed to be included in the valuation list in respect of any hereditament if the additional amount is less than forty per centum of the amount of the rateable value appearing in the valuation list or, if forty per centum would exceed five hundred pounds, is less than five hundred pounds. In this paragraph 'gas and electricity undertakers' includes the Gas Council, area gas boards, the Electricity Council, the Central Electricity Generating Board and area electricity boards. (6A) For the purpose of enabling the Board to calculate the annual sum payable under paragraph (5) of this section the council shall, not later than the 31st May in each year, provide to the Board a statement of the rateable values of the hereditaments appearing in the valuation list on the 1st April in the year concerned or deemed so to appear by paragraph (6) of this section." In paragraph (7) for the words "four per centum per annum" there shall be substituted the words "two per centum above the bank rate from time to time prevailing or at the rate of four per centum whichever is the greater". Paragraphs (8) and (10) shall be omitted.

SCH. 3
—*cont.*

PART II

MISCELLANEOUS AMENDMENTS OF ACT OF 1912

Section 17.

Enactment (1)	Amendment (2)
Section 29 (Power to alter number of members of Board)	For the words " Local Government Board ", in both places where those words occur, there shall be substituted the words " Secretary of State ". For the words from " the assessable values of the property " to the end of the section, there shall be substituted the words " the total rateable values of the hereditaments situate within the said districts concerned as shown in the valuation lists for the time being in force ".
Section 60 (Right of constituent authorities to use sewers of Board)	In subsection (5) for the words " one hundred and twenty gallons " there shall be substituted the words " two hundred gallons ".
Section 68 (Extension of section 305 of Public Health Act, 1875, to Board)	For the words " section 305 of the Public Health Act, 1875 " there shall be substituted the words " section 287 of the Public Health Act, 1936 ". 1875 c. 55. 1936 c. 49.

Section 18.

SCHEDULE 4

ENACTMENTS REPEALED

1912 c. lxxxviii.	Rhymney Valley Sewerage Board Act, 1912—
	Subsection (1) of section 8 (Election of members).
	Section 13 (Disqualification of member of Board).
	Section 14 (Outgoing members eligible for re-election).
	Section 33 (Power to deviate).
	Section 34 (Period for compulsory purchase of lands).
	Section 35 (Correction of errors, &c., in deposited plans and books of reference).
	Section 38 (Provisions as to compensation).
	Section 39 (Costs of arbitration under Lands Clauses Acts).
	Section 40 (Power to purchase additional lands by agreement).
	Section 41 (Persons under disability may grant easements, &c.).
	Section 45 (Proceeds of sale of surplus lands).
	Section 70 (Payments to be made to Caerphilly Council).

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CHAPTER xxxiv

ARRANGEMENT OF SECTIONS

Section

1. Short title and citation.
2. Interpretation.
3. Application of provisions of Public Health and Local Government Acts.
4. Discharge of sewage into the sea and the river Rhymney.
5. Consents, etc. under enactments relating to trade effluents and powers of entry and sampling.
6. Payments received by constituent authorities and contributing authorities under enactments relating to trade effluents.
7. Powers of inspection.
8. As to Board's obligation to underpin, etc.
9. Duty of Board to keep map and to send copies to local authorities.
10. Board's sewers to be public sewers.
11. Indirect communications.
12. Power to acquire land compulsorily.

Section

13. Contributions to common fund of Board.
14. Payments by contributing authorities.
15. Reserve fund.
16. Payment of certain expenses.
17. Miscellaneous amendments of local enactments.
18. Repeals.
19. The appointed day.
20. Costs of Act.

SCHEDULES:

Schedule 1—Enactments applied and re-enacted in Act of 1912.

Schedule 2—Section 102 of the Act of 1912 as amended by this Act.

Schedule 3—

Part I—Amendments of provisions of Act of 1912 relating to payments by contributing authorities.

Part II—Miscellaneous amendments of Act of 1912.

Schedule 4—Enactments repealed.