



Water (Scotland) Act 1980

1980 CHAPTER 45

PART IV

FINANCE

39 Levy of rates in respect of expenditure on water supply

- (1) Subject to the provisions of this Part, the expenditure incurred by a council of a region or islands area in meeting any requisition under Part IV or VIII and in the exercise of any of their functions under any enactment in relation to water supply in their region or area shall, in so far as not otherwise met, be defrayed as to such portion thereof as may be determined under section 44 out of the regional rate or the general rate, as the case may be, and as to the remainder out of a rate to be levied as hereafter in this Act provided.
- (2) The portion of the regional rate or of the general rate levied under the foregoing subsection is hereafter in this Act referred to as " the public water rate ".
- (3) For the purpose of defraying the remainder of the expenditure mentioned in subsection (1), the council of a region or islands area shall, subject to the provisions of this Part, levy annually within their region or area a rate (hereafter in this Act referred to as " the domestic water rate ") which, notwithstanding anything in any other enactment, shall be levied as a separate rate.

40 Provisions as to liability for domestic water rate

- (1) Subject to the provisions of this Part, the domestic water rate shall be levied by the council of a region or islands area in respect of ail lands and heritages within their region or area according to the net annual value of such lands and heritages.
- (2) The domestic water rate shall not be leviable in respect of any premises to which water is supplied wholly by meter or which are occupied by a water authority for the purposes of a water undertaking or by a water development board.

- (3) The domestic water rate shall not be leviable in respect of any premises, being lands and heritages situated within the region or area of a council of a region or islands area, unless—
- (a) in the case of a dwelling house, a sufficient supply of wholesome water provided by a water authority for domestic purposes is provided in pipes within the house or within the premises in which the house is comprised ;
 - (b) in the case of any other premises, a supply of water provided by a water authority is used for any purpose for or in connection with which the premises are used or by or for persons employed or otherwise engaged on or about the premises in connection with such purpose.
- (4) Where premises are for the first time provided with a supply of water otherwise than on the first day of a rating year, the occupier of the premises shall be liable to pay in respect of that year such part only of the domestic water rate which would be leviable if a supply had been provided throughout that year as is proportionate to the part of that year which had not elapsed when the supply was provided.
- (5) Notwithstanding the foregoing provisions of this section, the domestic water rate shall not be leviable in respect of—
- (a) the lands and heritages specified in paragraphs 2(1)(b) and (c), 3, 4 and 5 (rail, gas, electricity and postal undertakings) of Schedule 1 to the Local Government (Scotland) Act 1975 ; and
 - (b) any such lands and heritages specified in paragraph 8 (dock and harbour undertakings) of Schedule 1 to the said Act of 1975 as have their rateable values determined under any order made under sections 6 and 35(3) of that Act.

41 Levy of domestic water rate on business and commercial premises

- (1) Where the domestic water rate is leviable in respect of lands and heritages being premises to which this section applies, it shall be levied according to one-half of the net annual value thereof:
- Provided that if the water authority providing a supply of water to the premises so resolve not later than such date in any year as may be prescribed by regulations made by the Secretary of State under section 111 of the Local Government (Scotland) Act 1973 with respect to any particular premises such as aforesaid this subsection shall have effect in that year in relation to those premises with the substitution for one-half of such other fraction, not exceeding one-half and not less than one-quarter, as may be specified in the resolution.
- (2) Where a supply of water is provided to any premises to which this section applies and which are entered in the valuation roll at a net annual value exceeding such amount as the water authority providing a supply of water to the premises may from time to time determine, the occupier thereof shall have the option of taking the supply by meter.
- (3) Where the domestic water rate is leviable in respect of lands and heritages being premises to which this section applies and which are occupied partly as a dwelling house, the domestic water rate shall be levied on the part occupied as a dwelling house according to the net annual value (ascertained as hereafter in this Act provided) of that part, and on the remainder of the premises in accordance with the provisions of this section.

- (4) This section applies to lands and heritages being premises occupied wholly or partly as a shop, offices, a warehouse, factory, cinematograph theatre, theatre, town hall, dance hall or concert hall, and such other premises not being premises occupied wholly as a dwelling house or such premises as are mentioned in section 42 or 43 as the water authority providing a supply of water to the premises may from time to time resolve.

42 Levy of domestic water rate on certain public utility undertakings, mines, parks, etc.

Where the domestic water rate is leviable in respect of premises being lands and heritages occupied as waterworks or sewage works, or as a mine or a quarry, or as a public park or recreation ground, it shall be levied according to one-quarter of the net annual value thereof.

43 Levy of domestic water rate on shootings and fishings

Where the domestic water rate is leviable in respect of premises being lands and heritages occupied as shootings or as fishings it shall be levied according to one-eighth of the net annual value thereof.

44 Contributions by council in aid of domestic water rate

In any year a council of a region or islands area may defray, out of the regional or, as the case may be, the general rate, such part, as they think fit, of the expenditure incurred by them in meeting any requisition under Part IV or VIII or in performing any of their functions under any enactment in relation to water supply in their region or area in so far as not otherwise met, to an amount which, unless the Secretary of State otherwise approves, shall not exceed one-third of the said expenditure.

45 Provisions as to valuation roll

- (1) For the purposes of section 41(3) the net annual value of the premises shall be apportioned by the assessor between the part thereof occupied as a dwelling house and the remainder of the premises, and the net annual value of such part and of such remainder shall be shown separately in the valuation roll.
- (2) The provisions of the Lands Valuation (Scotland) Act 1854 (including, without prejudice to the foregoing generality, the provisions with respect to notices to persons whose property is valued and with respect to appeals) shall apply with regard to any particular required by any provision of this section to be shown in the valuation roll in like manner as those provisions apply with regard to the particulars required by any other enactment to be so shown.
- (3) For the purpose of enabling the assessor to effect any apportionment required to be effected by him under this section the water authority shall furnish him with such information as to the premises in their limits of supply supplied with water and as to such other matters as he may reasonably require for that purpose.

46 Transport hereditaments

- (1) Without prejudice to the provisions contained in section 17(4C) (payments in lieu of rates) of the Local Government (Scotland) Act 1966, it is hereby declared that nothing

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in the foregoing provisions of this Part affects the exemption from liability to be rated or to be included in any valuation roll or in any rate conferred by Part V of the Local Government Act 1948 on premises being a railway or canal hereditament.

- (2) Subject to the said section 17(4C), where a water rate was in the year 1947-48 levied in respect of premises being a railway or canal hereditament and no charge calculated by reference to the amount of water consumed was made, no charge by way of meter or otherwise shall be made in any subsequent year during which the premises are occupied as such a hereditament in respect of a supply of water (whether for domestic purposes or otherwise) to those premises by a water authority.
- (3) Subject to the said section 17 (4C), where no payment by way of water rate was made in the year 1947-48 in respect of any such premises as aforesaid, or where in that year a charge calculated in accordance with the amount of water consumed was made in respect of a supply of water to such premises (whether a water rate was levied in addition to such charge or not), the water authority shall be entitled to make in any subsequent year in respect of any supply of water to those premises a charge calculated by reference to the amount of water consumed thereon.
- (4) In this section the expression " railway or canal hereditament " has the meaning assigned to it by the Local Government Act 1948 for the purposes of Part V of that Act; and the expression " 1947-48 " has the meaning assigned to it by Part VIII of that Act

47 Domestic water rate in certain cases

- (1) Notwithstanding anything in the foregoing provisions of this Part, no domestic water rate shall be payable in respect of any premises to which a water authority were immediately before 16th May 1949 by virtue of any enactment or agreement under an obligation to provide a supply of water free of charge, and no charge or other payment shall be required by the authority to be made in respect of that supply.
- (2) Where by virtue of any local enactment in force immediately before 16th May 1949 the domestic water rate was leviable in any area specified in the local enactment at an amount per pound determined by the local enactment (whether as an amount per pound specified therein or as an amount per pound being a proportion so specified of the amount per pound at which the domestic water rate would otherwise be payable, or otherwise), the domestic water rate shall during such period as is specified in the local enactment be payable in that area at the amount per pound so specified:

Provided that if in any year during the said period the domestic water rate levied generally in respect of lands and heritages within the region or islands area is lower than the rate falling to be levied for that year in accordance with the foregoing provisions of this subsection, the rate to be levied in such area as aforesaid shall not exceed the amount of the rate levied generally within the region or islands area.

- (3) Notwithstanding anything in the foregoing provisions of this Part, no domestic water rate shall be payable in respect of the provision of a supply of water to any premises to which a water authority were, by virtue of any enactment or agreement in force immediately before 16th May 1949, under an obligation to provide such a supply on terms more favourable to the person having the vested interest in the obligation than those which, apart from the obligation, would have been applicable under the enactments in force immediately before that date relating to the supply of water by the authority in the limits of supply in which the premises are situated, and the supply shall continue to be provided on the following, and no other, terms, that is to say—

- (a) where immediately before 16th May 1949 there was leviable under such an enactment a rate other than a public water rate, on such terms as may be agreed between the authority and the person having the vested interest in the obligation;
 - (b) in any other case on the terms on which immediately before that date it was provided under the enactment or agreement.
- (4) In determining for the purposes of the foregoing provisions of this section whether a supply of water provided under any enactment or agreement in force immediately before 16th May 1949 was provided free of charge or was such a supply as is mentioned in subsection (3), or in determining the sum which by virtue of that subsection is to be paid in respect of such a supply, no account shall be taken of any public water rate levied under any such enactment in respect of the premises so supplied or of any undertaking (other than an undertaking to pay a rate or a charge) entered into by the person having the vested interest in the obligation in consideration of which the supply was provided.
- (5) Any question arising under this section whether a water authority are required to provide a supply of water free of charge, or whether a supply is such a supply as is mentioned in subsection (3), or as to the terms on which a supply was provided immediately before 16th May 1949, or on which by virtue of this section a supply is to continue to be provided or otherwise, shall, in default of agreement, be referred to the Secretary of State, and the Secretary of State may determine it himself or, if he thinks fit, may refer it for determination by arbitration.
- (6) In this section the expression " public water rate " means in relation to any supply any rate called the public water rate in the local enactment by virtue of which the supply is provided on special terms.
- (7) Nothing in the provisions of subsection (1) or (3) shall be construed as continuing any exemption conferred by either of these subsections from the payment in whole or in part of domestic water rate, where the water authority have ceased to be under the obligation which gave rise to that exemption.

48 Levying of, and exemptions from, rates

- (1) The provisions of Part XI of the Local Government (Scotland) Act 1947 (which relate to the levy and collection of rates and to requisitions), Part VII of the Local Government (Scotland) Act 1973 and sections 7 to 10 of the Local Government (Scotland) Act 1975 shall, in their application to the public water rate and the domestic water rate levied under this Part, have effect subject to such adaptations and modifications as may be prescribed.
- (2) The amount of the annual value of any lands and heritages according to which the domestic water rate is leviable in accordance with the foregoing provisions of this Part shall, if it includes a fraction of a pound, be increased or reduced as the case may be, to the nearest complete pound or, if the fraction is 50 pence, the fraction shall be disregarded.
- (3) Nothing in this Part shall affect the total exemption from any rates conferred in respect of any lands and heritages by or under any enactment in force at the passing of the Water (Scotland) Act 1949.

49 Payment for supplies by meter

- (1) Where water is supplied by meter by a water authority, the charge in respect of the supply shall be calculated by reference to the amount of water consumed on the premises, but there may, in respect of that supply, be a fixed minimum charge of such amount as from time to time may be determined by the water authority.
- (2) Charges payable under this section, including charges for any meter supplied by the authority, shall be recoverable in the manner in which rates levied by the regional or islands council in respect of the premises supplied are recoverable.

50 Power to require supply by meter

A water authority shall not be bound to supply with water otherwise than by meter—

- (a) any premises whereof part is used as a dwelling house and part for any business, trade or manufacturing purpose for which water is required;
- (b) any public institution, hospital, asylum, nursing home, sanatorium, school, club, hostel, camp, assembly hall, place of public entertainment, hotel or restaurant or any licensed premises for which a licence is required under the Licensing (Scotland) Act 1976 ;
- (c) any boarding-house capable of accommodating 12 or more persons, including the persons usually resident therein; or
- (d) any premises which are used solely for business, trade or manufacturing purposes and in which a supply of water for domestic purposes only is required.

51 Power to require supplies for refrigerating apparatus, etc., to be taken by meter

Where a person who takes a supply of water for domestic purposes from a water authority otherwise than by meter desires to use any of the water so supplied—

- (a) for operating a water-cooled or refrigerating apparatus;
- (b) for operating any apparatus depending while in use upon a supply of continuously running water, not being an apparatus used solely for heating the water; or
- (c) for cleaning, regenerating or supplying motive power to an apparatus used for softening water,

the authority may require that all water so supplied Shall be taken by meter.

52 Power to require supply for hose-pipe to be taken by meter

Where water which a water authority supply for domestic purposes is used by means of a hosepipe or similar apparatus for watering a garden or for horses, washing vehicles or other purposes in stables, garages or other premises where horses or vehicles are kept, the authority may require that all water so supplied shall be taken by meter.

53 Provisions as to supply to tents, vans, sheds, etc.

- (1) No person shall be entitled to demand or to continue to receive from a water authority a supply of water to any habitation to which this subsection applies unless he has—
 - (a) agreed with the authority to take a supply of water by meter and to pay to them such minimum annual sum as will give them a reasonable return on the

capital expenditure incurred by them in providing the required supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for his habitation, and will yield a reasonable return on the cost of the water supplied ; and

- (b) secured to the reasonable satisfaction of the authority by way of deposit or otherwise, payment of such a sum as may be reasonable having regard to his possible maximum demand for water.

The annual sum to be so paid and the security to be so given shall be determined, in default of agreement, by the sheriff, whose decision shall be final.

- (2) The habitations to which subsection (1) applies are tents, vans or other conveyances, whether on wheels or not, and sheds or similar structures.
- (3) Where a supply of water is provided by a water authority for domestic purposes for any house or habitation (not being a habitation to which subsection (1) applies) which is not entered in the valuation roll, the occupier thereof shall pay to the authority in respect of such supply such annual sum (not being less than 75p) as may be reasonable having regard to his possible maximum demand for water.

The amount of the annual sum to be so paid shall be determined in default of agreement by the sheriff, whose decision shall be final.

54 Register of meter to be evidence

- (1) Where a water authority supply water by meter, the register of the meter shall be prima facie evidence of the quantity of water supplied.
- (2) Any question arising between the authority and a consumer with respect to the quantity of water supplied may, on the application of either party, be determined by the sheriff.
- (3) If the meter on being tested is proved to register incorrectly to any degree exceeding five per cent—
 - (a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the authority, unless it is proved to have begun to register incorrectly on some later date ; and
 - (b) the amount of any refund to be made to, or of any extra payment to be made by, the consumer shall be paid or allowed by the authority or paid by the consumer, as the case may be, and in the case of an extra payment shall be recoverable in the manner in which rates levied by the regional or islands council in respect of the premises supplied are recoverable.

55 Charges for water supplied by meter

- (1) Every water authority shall prepare and maintain a schedule of the terms and conditions on which they are prepared in general to give a supply of water by meter or otherwise, and that schedule shall be published in such manner as in the opinion of the authority will secure adequate publicity for it.
- (2) Nothing in the foregoing subsection shall be construed as prejudicing the rights or duties under section 9 of a water authority or of any person supplied or proposed to be supplied by them under that section.

- (3) Every water authority shall keep a register in which they shall enter particulars of every agreement entered into by them for the giving of a supply of water for purposes other than domestic purposes to any person on terms and conditions other than the terms and conditions for the time being set forth in the schedule maintained by them under subsection (1).
- (4) The register kept under subsection (3) shall be kept at the office of the authority and shall be open at all reasonable hours to the inspection of all ratepayers within the limits of supply of the authority without payment of any fee.

56 Provisions as to supply of water to agricultural subjects

- (1) Where a supply of water for purposes other than domestic purposes is provided for premises being agricultural lands and heritages, the water authority shall require the supply to be taken either by meter or on other specified terms as they may from time to time in their discretion determine.
- (2) Where a water authority supply water by meter for purposes other than domestic purposes to any premises being agricultural lands and heritages and also supply water for domestic purposes to any dwelling house comprised in such premises, the authority shall, if it is reasonably practicable so to do, provide the whole supply of water to such premises and dwelling house through a single meter.

57 Charge not to be made for provision of small meters

- (1) Notwithstanding anything in section 35 or 36, where water is supplied by meter by a water authority, the authority shall not be entitled to impose any charge in respect of the provision, installation, repair or maintenance of the meter or of the taking of readings of the meter in any case where the meter is on a pipe not exceeding three-quarters of an inch in diameter.
- (2) The provisions of this section shall have effect notwithstanding anything in the terms and conditions on which the supply of water was agreed to be given, or in any byelaws relating to such supply of water.
- (3) Nothing in this section shall be construed as affecting the right conferred by section 35(5) on a water authority of recovering the cost of repairing any damage wilfully or negligently done to any water fitting belonging to the authority.

58 Termination of right to supply of water on special terms

- (1) Where by virtue of any enactment (including any enactment in this Act) or of any agreement a water authority are under an obligation to which this section applies, the authority and the person having the vested interest in the obligation may, with the approval of the Secretary of State, enter into an agreement to terminate the obligation on such terms and conditions as to compensation or otherwise as they may agree; and any such agreement shall be enforceable against any person deriving title from the person who entered into the agreement.
- (2) The Secretary of State may, on the application of the water authority and after affording to the person having the vested interest in the obligation an opportunity of making representations to the Secretary of State, whether in writing or on being heard by a person appointed by the Secretary of State, by order provide for the

termination compulsorily of an obligation to which this section applies on payment of compensation, the amount of which shall, in default of agreement, be determined in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement, and the order may contain such incidental, consequential and supplementary provisions, including provisions for the amendment and repeal of any local enactment, as the Secretary of State thinks necessary or expedient.

- (3) The amount of the compensation to be paid under subsection (2) shall be assessed by reference to the value of the rights secured under the obligation as at the date of the making of the order, and in assessing that value regard shall be had to the amount of the rate or charge or of the rate and charge, as the case may be, which may reasonably be expected to become payable as a result of the termination of the obligation.
- (4) This section applies to any obligation on the part of any water authority providing to any person other than a district council or a water authority a supply of water (whether for domestic purposes or for purposes other than domestic purposes) to provide that supply free of charge or on terms more favourable to the person having the vested interest in the obligation than those which apart from the obligation would be applicable.
- (5) The water authority shall record in the appropriate Register of Sasines any agreement entered into or order made under the foregoing provisions of this section terminating an obligation to which this section applies if the obligation was itself recorded in the Register of Sasines.
- (6) Where an application under subsection (2) relates to an obligation under which the water authority making the application are required to provide a supply of water to premises in the limits of supply of another water authority or the district of a district council the order may, with the concurrence of the authorities concerned, contain provisions for the payment by that other water authority or by that district council of such part of the compensation payable by virtue of the order as the order may prescribe.
- (7) An obligation to furnish a supply of water or to grant a wayleave for pipes or to give any other benefit or advantage to a water authority entered into in consideration of an obligation to which this section applies shall not be deemed to be terminated by reason only of the termination under this section of the last mentioned obligation.
- (8) No water authority shall by agreement or otherwise incur any obligation of the kind to which this section applies.

59 Limitation of liability of water authority to supply water on special terms

- (1) Notwithstanding anything in any such obligation as is mentioned in section 58(4) a water authority shall not be liable under the obligation to provide to any premises in any year a quantity of water greater than the quantity supplied thereto in the year immediately preceding 27th October 1948, or to provide to any premises not provided by them with a supply of water on that day a supply otherwise than on the terms on which the supply would, apart from the obligation, have been provided under the Water (Scotland) Act 1946 and the Water (Scotland) Act 1949.
- (2) Any question arising under the foregoing subsection shall in case of dispute be determined by arbitration.

60 Requisitions

- (1) Each water authority—
- (a) who are a regional council, and
 - (b) whose limits of supply extend beyond their own region or who supply water to premises in another region,
- shall in respect of any financial year determine the aggregate amount by reference to which the amount required to be requisitioned by the water authority under this Part from each of their contributing authorities is to be determined.
- (2) Each such water authority shall, by such date or dates as may be prescribed, cause a requisition in respect of any financial year to be sent to their contributing authorities requiring each of them to pay such sum as may be apportioned to each under the subsequent provisions of this Part, and each of those authorities shall, at such intervals and by such instalments as may be prescribed, pay over to the water authority the sum so requisitioned.
- (3) In this section " prescribed " means prescribed by regulations-made by the Secretary of State under section 111 of the Local Government (Scotland) Act 1973.

61 Calculation of amount to be requisitioned by water authorities

- (1) For the purposes of a requisition referred to in section 60(1) the aggregate amount referred to in that subsection for any financial year shall be the sum by which the estimated expenditure of the water authority in the exercise of any of their functions under any enactment in relation to water supply and chargeable to the revenue account of their general fund exceeds the estimated income pertaining thereto, but excluding from such expenditure any amount payable by way of requisition to another water authority and from such income any amount receivable by way of rates or requisition, and there shall be added to, or, as the case may be, deducted from, that sum any sum required to be brought forward, either as a debit or as a credit, from a previous financial year.
- (2) Subject to the provisions of subsection (5), in respect of one third of the aggregate amount calculated under the foregoing subsection, the sum to be requisitioned from each contributing authority of a water authority shall bear to that third the same proportion as the rate product of the relevant part of the region of the contributing authority bears to the aggregate of the rate products of the relevant parts of the regions of the authority making the requisition and of all such contributing authorities, and—
- (a) for the purposes of this subsection " rate product " means the product of a rate of one penny in the pound or the standard penny rate product, whichever is the higher for the relevant financial year, and the expressions " product of a rate of one penny in the pound " and " standard penny rate product " have the meanings assigned to them by section 9 of the Local Government (Financial Provisions) (Scotland) Act 1963 ;
 - (b) for the purposes of this and the next following subsection, " relevant financial year " means, in the case of a requisition in respect of the financial year 1975-76, that year, and in the case of a requisition in respect of any subsequent financial year, the financial year in respect of which the requisition is made or, if the water authority and the contributing authority agree, the financial year of the contributing authority immediately preceding the year in respect of which the requisition is made on the authority, and " relevant part of a region " means—

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- (i) in relation to the region of a regional council, the whole or part of which is within the limits of supply of the water authority, that region, or as the case may be, that part, exclusive of any premises to which a supply of water is given by another water authority but inclusive of any premises outside the limits of supply of the water authority to which a supply of water is given by the water authority, and
 - (ii) in relation to the region of any other contributing authority, any premises in their region to which a supply of water is given by the water authority.
- (3) Subject to the following provisions of this section, in respect of the remainder of the said aggregate amount, the sum to be requisitioned from each contributing authority of a water authority shall bear to that remainder the same proportion as the product of a domestic water rate of one penny in the pound for the relevant financial year, levied on the relevant part of the region of the contributing authority, bears to the aggregate of the products of such a rate levied on the relevant parts of the regions of the authority making the requisition and of all such contributing authorities for the relevant financial year.
- (4) In relation to the reference in subsection (3) to the product of a domestic water rate of one penny in the pound for the relevant financial year levied for the relevant part of a region, section 9(1) of the Local Government (Financial Provisions) (Scotland) Act 1963 shall apply, as it applies to the references in Part I of that Act to the product of the rate of one penny in the pound, with the substitution for the words " that area " of the words " that part ".
- (5) Where, in the case of any water authority, the Secretary of State considers, having regard to all the circumstances, that it would be unreasonable or inequitable that the methods of calculating the sums to be requisitioned, as required by subsections (2) and (3), should apply, he may by order modify the requirements of either or both of the said subsections or specify a different method of calculation and, in either event, may so specify the financial years during which the provisions of the said order are to operate, and in relation to that authority in respect of those years the provisions of those subsections as so modified, or, where the said order specifies a different method of calculation, the provisions of that order, shall have effect for the purposes of this section.
- (6) For the purpose of making any calculation required by this section, section 12 of the Local Government (Scotland) Act 1966 (apportionments, allocations, etc. relating to local authorities) shall apply as that section applies to section 7(1) of the Local Government (Financial Provisions) (Scotland) Act 1963 with the modification that in subsections (1) and (2) after the words " rate product" there shall be inserted the words " and the product of a domestic water rate of one penny in the pound ".

62 Moneys borrowed on security of rates

Any moneys borrowed by a local water authority other than a local authority shall, in so far as they were immediately before 16th May 1949 secured on the rates leviable by the authority, be deemed as from that date to be secured to the like extent on the sums payable to the authority under requisitions issued by them under this Part.