



CHAPTER lviii.

An Act to make further provision in regard to the undertaking of the Taf Fechan Water Supply Board to confer further powers upon that Board and the constituent authorities thereof and for other purposes.

A.D. 1937.

[1st July 1937.]

WHEREAS under the Taf Fechan Water Supply Acts 1921 to 1926 the Taf Fechan Water Supply Board (hereinafter called "the Board") were constituted and incorporated and authorised to supply water in bulk to the constituent authorities of the Board and others :

And whereas under the said Acts the said constituent authorities are respectively required to take from the Board or pay for as if taken certain daily minimum quantities of water and are entitled to require from the Board further supplies of water in addition to the said minimum quantities up to certain maximum quantities fixed under or in pursuance of the said Acts and in respect of all water taken by them from the Board the said constituent authorities are required to pay to the Board one shilling per thousand gallons subject to certain provisions for possible revision of that price :

And whereas the payments so made for water taken by the said constituent authorities are insufficient to meet the annual expenditure of the Board and the resulting deficiencies of revenue are under the said Acts divisible among the said authorities in proportion to the maximum quantities which they are respectively entitled to require the Board to supply :

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And whereas in consequence of the removal of industry and other changes in the industrial conditions followed by economic depression in the areas supplied the quantities of water required by the said authorities have been and are much less than those expected when the said minimum quantities were fixed and it is expedient that the said minimum quantities should be reduced as in this Act provided :

And whereas it is expedient that provision should be made for payment by the said constituent authorities to the Board of the fixed contributions in this Act mentioned and for the application of such contributions towards satisfaction of the Board's charges for water supplied to the said authorities in excess of the minimum quantities which they are required to take or pay for as if taken :

And whereas it is expedient to enact further provisions with regard to the finances of the Board and to empower them to establish an insurance fund :

And whereas it is expedient to confer upon the constituent authorities of the Board the further powers with reference to the supply of water which are referred to in this Act :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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

And whereas in relation to the promotion of the Bill for this Act the provisions of subsection (3) of section 55 of the *Taf Fechan Water Supply Act 1921* relating to the promotion by the Board of Bills in Parliament have been observed :

11 & 12
Geo. 5.
c. lxxxix.

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) :—

1.—(1) This Act may be cited as the *Taf Fechan Water Supply Act 1937*.

Short and
collective
titles.

(2) This Act and the Taf Fechan Water Supply Acts 1921 to 1926 may be cited together as the Taf Fechan Water Supply Acts 1921 to 1937. A.D. 1937. —

2.—(1) The several words and expressions to which meanings are assigned by the Commissioners Clauses Act 1847 shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that for the purposes of this Act “the Commissioners” in the provisions of that Act means the Board. Interpretation. 10 & 11 Vict. c. 16.

(2) In this Act unless the subject or context otherwise requires—

“the Board” means the Taf Fechan Water Supply Board;

“the Act of 1921” and “the Act of 1926” mean respectively the Taf Fechan Water Supply Act 1921 and the Taf Fechan Water Supply Act 1926; 16 & 17 Geo. 5. c. xxxiii.

“constituent authority” has the meaning assigned to it by section 4 (Interpretation) of the Act of 1921;

“financial year” means the period of twelve months commencing on the first day of April in any year subsequent to the year nineteen hundred and thirty-seven and ending on the thirty-first day of March in the next following year;

“the product of a penny rate” means the product of a penny rate calculated in accordance with Rule 3 of the Rating and Valuation Act (Product of Rates and Precepts) Rules 1929 as amended by the Rating and Valuation Act (Product of Rates and Precepts) Amendments Rules 1933 or any rule or rules amending those rules or made in substitution therefor;

“Statutory security” has the meaning assigned to it by section 4 (Interpretation) of the Act of 1921 as amended and extended by this Act;

“The Minister” means the Minister of Health;

“the Act of 1933” means the Local Government Act 1933; 23 & 24 Geo. 5. c. 51.

A.D. 1937.

“the revenues of the Board” has the meaning assigned to it by the said section 4 of the Act of 1921 as amended by the section of this Act of which the marginal note is “Fixed contributions.”

Amendment
of minimum
reservations.

3. Section 22 (Supply of water to constituent authorities) of the Act of 1921 shall as from the first day of April nineteen hundred and thirty-eight have effect as if—

- (a) in subsection (2) thereof the words “two million five hundred thousand gallons” were inserted therein in lieu of the words “three million gallons”;
- (b) in subsection (5) thereof the words “one million five hundred and fifty thousand gallons” were substituted for the words “one million seven hundred and fifty thousand gallons”;
- (c) in subsection (7) thereof—
 - (i) the words “two hundred and seventy thousand gallons” were substituted for the words “three hundred thousand gallons”; and
 - (ii) the number “220,000” were substituted for the number “250,000”;
- (d) in subsection (9) thereof the words “two hundred and forty-seven thousand gallons” were substituted for the words “two hundred and fifty thousand gallons”;
- (e) in subsection (11) thereof the words “one hundred and forty-two thousand five hundred gallons” were substituted for the words “one hundred and fifty thousand gallons.”

Fixed con-
tributions.

4.—(1) In respect of each financial year the constituent authorities mentioned in the first column of the following table shall respectively pay to the Board contributions (in this Act referred to as “the fixed contributions”) of the amounts specified in the second column of that table and each of the fixed contributions shall be paid by two equal instalments one payable on the first day of June and the other on the first day

of December in the year in respect of which such contribution is payable :— A.D. 1937.

Constituent authority.	Amount.
(a) The mayor aldermen and burgesses of the borough of Merthyr Tydfil.	Three times the product of a penny rate in the borough of Merthyr Tydfil.
(b) The Rhymney Valley Water Board.	Four and a half times the product of a penny rate in the districts or parts of districts comprised within the limits for the supply of water by the Rhymney Valley Water Board.
(c) The Pontypridd and Rhondda Joint Water Board.	Three-quarters of the product of a penny rate in the urban district of Pontypridd and so much of the urban district of Rhondda as is comprised within the limits for the supply of water by the Pontypridd and Rhondda Joint Water Board.
(d) The urban district council of Aberdare.	One half of the product of a penny rate in the urban district of Aberdare.
(e) The rural district council of Llantrisant and Llantwit Fardre.	The product of a penny rate in the rural district of Llantrisant and Llantwit Fardre.

(2) Subsection (3) of section 49 (Apportionment of deficiency in net revenue of Board) of the Act of 1921 shall apply to the fixed contributions as if those contributions were such sums as are referred to in that subsection.

(3) Section 65 (Remedy on failure of constituent authority to pay sums due) of the Act of 1921 shall apply to the fixed contributions as if they were sums payable to the Board within the meaning of that section.

A.D. 1937.

(4) The money receivable by the Board in respect of the fixed contributions shall for all purposes form part of the revenue of the Board and their undertaking and the definition of the expression "the revenues of the Board" in section 4 (Interpretation) of the Act of 1921 shall be deemed to include the same.

Fixed contribution to be deducted from payment for supply in excess of minimum.

5. A sum equivalent to the fixed contribution paid by or to be paid by any constituent authority in respect of any financial year shall be deducted from the amount which would otherwise be payable by that constituent authority for any water supplied by the Board to that constituent authority in that financial year in excess of the minimum quantity which that constituent authority is required under the provisions of section 22 (Supply of water to constituent authorities) of the Act of 1921 as amended by this Act to take or pay for as if taken in that financial year :

Provided that if such sum shall exceed the amount otherwise payable for water so supplied in that financial year only so much of such sum as is equal to the said amount shall be so deducted.

As to revision of fixed contributions.

6. At any time after the commencement of the first financial year in respect of which the estimate made or caused to be made by the Board under the provisions of section 49 (Apportionment of deficiency in net revenue of Board) of the Act of 1921 as amended by section 23 (Further provisions as to apportionment of deficiency in net revenue) of the Act of 1926 shall show that the probable revenue to be received by the Board other than from fixed contributions exceeds the probable expenditure (other than capital expenditure) to be incurred by the Board in respect of that year either the Board or any constituent authority may make application to the Minister for an order to revise or repeal the provisions of the sections of this Act of which the marginal notes are "Fixed contributions" and "Fixed contribution to be deducted from payment for supply in excess of minimum" and the Minister after holding an inquiry (at which the Board and any constituent authority desiring to make representations with regard to such application shall be entitled to be heard) may make such order in the premises as he may think fit.

7.—(1) Section 50 (Application of water revenue) of the Act of 1921 as amended by the next succeeding section of this Act shall have effect as if the words “(unless used in any other manner authorised by the Taf Fechan Water Supply Acts 1921 to 1926)” were inserted therein after the words “by setting aside such money as they think reasonable and”.

A.D. 1937.
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Miscellaneous amend-
ments of
previous
Acts.

(2) Paragraph (1) of Part II of the First Schedule to the Act of 1921 shall have effect as if the words “or May” were inserted therein after the word “April”.

(3) Paragraph (1) of section 23 (Further provisions as to apportionment of deficiency in net revenue) of the Act of 1926 shall have effect as if the words “(other than “money receivable from the constituent authorities in “respect of precepts under this section)” were inserted therein after the words “probable revenue”.

(4) Section 25 (Price of water after completion of Taf Fechan reservoir) of the Act of 1921 shall have effect as if money receivable from the constituent authorities in respect of precepts under section 23 of the Act of 1926 were excluded from the revenues of the Board for the purposes of the proviso to the said section 25.

(5) Section 15 (Use of moneys forming part of reserve fund) of the Act of 1926 shall have effect as if the words “or insurance” were inserted therein after the word “reserve”.

8. Any income from any reserve fund provided by the Board in pursuance of the paragraph headed “Fourthly” in section 50 (Application of water revenue) of the Act of 1921 shall be carried by the Board to the credit of the revenue of their undertaking for the year in which such income shall be received:

Provision as
to income
from re-
serve fund.

Provided that a sum equivalent to the amount so carried to the revenue as aforesaid shall be added to such reserve fund unless and until the reserve fund has reached the prescribed maximum.

9.—(1) Section 15 of the Rating and Valuation Act 1925 shall extend to authorise any rating authority (being a constituent authority or being entitled to appoint a member or members of a constituent

As to recovery
of water rates
&c. by con-
stituent
authorities.
15 & 16 Geo. 5.
c. 90.

A.D. 1937.

authority) which is in pursuance of that section receiving rent in respect of any hereditament situate within any constituent area (as defined by section 4 of the Act of 1921) to continue to receive such rent for so long as any payment is due for any water rate payable to such rating authority or to the constituent authority of which such rating authority appoints a member or members (as the case may be) in respect of the supply of water to such hereditament or for any expenses incurred by such rating authority or constituent authority in repairing communication pipes or fittings in connection with such supply.

(2) Any such rating authority (not being a constituent authority) which continues to receive such rent as aforesaid in pursuance of the provisions of this section shall apply any moneys so received in or towards the payment of such water rate or expenses to the constituent authority of which it is entitled to appoint a member or members.

Recovery of
rates from
persons
removing.

10. If a justice be satisfied on complaint by any collector of water rates due to any constituent authority that any person is quitting or about to quit any premises to which the constituent authority supplies water and has failed to pay on demand any water rate or charge which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Application
of certain
provisions
of Public
Health Act
1936 to
constituent
authorities.
26 Geo. 5. &
1 Edw. 8.
c. 49.

11.—(1) Except so far as the same are inconsistent with the enactments relating to the constituent authorities and their respective water undertakings sections 121 129 130 and 131 of the Public Health Act 1936 shall extend and apply to the constituent authorities and the supply of water by them as if the constituent authorities were local authorities supplying water in pursuance of that Act and as if the limits for the supply of water of the constituent authorities were their respective districts within the meaning of that Act and for the purposes of those sections.

(2) For the purpose of the application of the said section 121 of the Public Health Act 1936 the expression "communication pipe" where used in that section shall include the stop cock and any cover or box for giving access and protection thereto.

A.D. 1937.
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12. The Board may from time to time independently of any other borrowing power borrow at interest the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Board may determine not exceeding five years from the passing of this Act.

Power to borrow.

13.—(1) The provisions of Part IX (Borrowing) of the Act of 1933 and of the regulations made thereunder so far as they are not inconsistent with the provisions of this Act shall extend and apply to the Board and to money borrowed by the Board as if—

Application of Act of 1933 to borrowing of money by Board.

- (a) the Board were a local authority within the meaning of the Act of 1933;
- (b) the money so borrowed were borrowed under the said Part IX; and
- (c) the revenues of the Board were the general rate fund or the revenues of the local authority;

and shall be subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purpose of this section.

(2) The period mentioned in the section of this Act of which the marginal note is "Power to borrow" shall as respects any money borrowed under that section be the fixed period for the purposes of the said Part IX.

14. For the purposes of the definition of "statutory securities" in section 218 of the Act of 1933 any securities created by the Board shall be deemed to be securities created by a local authority.

As to meaning of statutory securities.

15.—(1) The Board may with the consent of the Minister establish a fund to be called "the insurance fund" with the view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Board may be subjected

Insurance fund.

A.D. 1937. in consequence of the whole or any part of all or any
— of the following risks (that is to say):—

- (a) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Board;
- (b) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Board and whether drawn or propelled by man or horse or mechanical or other means or power;
- (c) Risk of explosion in respect of boilers of the Board;
- (d) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Board or to third parties;
- (e) Risks of mechanical or electrical breakdown at or in connection with any electrical machinery of the Board;
- (f) Risks of loss due to infidelity of officers or servants of the Board;
- (g) Risks of loss due to forgery or fabrication of any security issued by the Board or any transfer of such security;
- (h) Any other risks against which in the absence of such an insurance fund the Board might insure.

(2) The establishment of an insurance fund under this section shall not prevent the Board from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Board shall pay into that fund either—

- (a) such a sum as in their opinion shall be not less than the aggregate amount of the premiums which would be payable if the Board fully insured in some insurance office of good repute

against the several risks for which the insurance fund is intended to provide; or

(b) if the Board partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to thirty thousand pounds the Board may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below thirty thousand pounds the Board shall resume and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of thirty thousand pounds.

(5) The Board shall provide the yearly payments aforesaid by contributions from the revenues of the Board and may include such payments in the working and establishment expenses and cost of maintenance of the undertaking referred to in section 50 (Application of water revenue) of the Act of 1921 :

Provided that where money is to be made available for making good any losses damages costs and expenses to which the Board may be subjected in consequence of any or any part of the risks enumerated in subsection (1) of this section in respect of works which are being constructed out of borrowed moneys the yearly payments to be made under subsection (3) of this section may with the consent of the Minister so far as they relate to money so to be made available be provided out of such borrowed moneys.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (unless applied in any manner authorised by the Act of 1926 as amended by this Act) be invested in statutory securities.

(b) Any interest or other annual proceeds received by the Board in respect of or on investments forming part of the insurance fund shall be carried by the Board

A.D. 1937. to the credit of the revenue of their undertaking for the year in which such interest or other annual proceeds shall be received.

(c) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Board shall in every year so long as the fund is less than thirty thousand pounds pay into that fund from the revenues of the Board an amount equivalent to the interest and other annual proceeds received by the Board in respect of or on investments forming part of the insurance fund.

(7) The insurance fund shall be applied to meet any losses damages costs or expenses sustained or incurred by the Board in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Board may with the sanction of the Minister borrow at interest such sums of money as will be necessary to make up the deficiency The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the revenues of the Board and charged as part of the working and establishment expenses and cost of maintenance of the undertaking referred to in the said section 50 of the Act of 1921.

Application
of Local
Government
and other
Officers'
Super-
annuation
Act 1922.

16.—(1) The Board shall for the purposes of the Local Government and other Officers' Superannuation Act 1922 be deemed to be a local authority within the meaning and for the purposes of that Act and for those purposes the area of the Board shall be deemed to be the total of the constituent areas as defined by the Act of 1921.

12 & 13
Geo. 5. c. 59.

(2) The Board may accordingly subject to the provisions of the said Act of 1922 either by themselves or in combination with any local authority as defined in that Act adopt the said Act or (subject to the provisions of section 5 of that Act) enter into combination for the purposes of that Act with any local authority as so defined.

[1 EDW. 8. &
1 GEO. 6.]

*Taf Fechan Water
Supply Act, 1937.*

[Ch. lviii.]

17. The provisions of section 266 (Contracts of local authorities) of the Act of 1933 shall apply to the Board as if the Board were a local authority within the meaning of that section. A.D. 1937.
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Contracts of Board.

18. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board and may be paid out of the revenues of the Board or out of money to be borrowed by the Board under the powers of this Act. Costs of Act.

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