(5) The clerk of the Joint Board shall forward to the Ministry so many copies of the abstract of the accounts of the Joint Board when duly audited as the Ministry shall require.

(6) The Joint Board shall be and be deemed to be a public body within the meaning of the Local Government Acts (Northern Ireland), 1898 to 1946.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twelfth day of June, One thousand nine hundred and forty-seven.

(L.S.) *W. McCaughey*,
Assistant Secretary.

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## Water Supply

## Coleraine, Portrush and Portstewart Waterworks Joint Board

ORDER, DATED THE 7TH MAY, 1947, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION SEVEN OF THE WATER SUPPLIES AND SEWERAGE ACT (NORTHERN IRELAND), 1945, WITH RESPECT TO THE WATER SUPPLY IN THE BOROUGH OF COLERAINE, THE RURAL DISTRICT OF COLERAINE AND THE URBAN DISTRICTS OF PORTRUSH AND PORTSTEWART.

1947. No. 70

WHEREAS the Borough of Coleraine, the Rural District of Coleraine and the Urban Districts of Portrush and Portstewart (in this Order referred to as " the component districts ") are sanitary districts within the meaning of the Public Health (Ireland) Act, 1878 (in this Order referred to as " the Act of 1878 ") :

AND WHEREAS, by virtue of the Ministry of Home Affairs Provisional Order Confirmation (Coleraine and Portstewart Joint Board) Act (Northern Ireland), 1933, (in this Order referred to as " the Act of 1933 "), the Borough of Coleraine and the Urban District of Portstewart were formed into a united district (known as the Coleraine and Portstewart Waterworks Joint District) and a joint board (called the Coleraine and Portstewart Waterworks Joint Board) was constituted as the governing body of the said united district :

AND WHEREAS it appears to the Ministry of Health and Local Government for Northern Ireland (in this Order referred to as " the Ministry ") that it is expedient in the public interest to form, for the purposes of the Water Supplies and Sewerage Act (Northern Ireland), 1945 (in this Order referred to as " the Act of 1945 "), the component districts into a united district within the meaning of section twelve of the Act of 1878, and to dissolve the united district formed under the Act of 1933 :

AND WHEREAS the Ministry has, prior to the making of this Order, published and given the notices required by the First Schedule to the Act of 1945 to be published and given :

NOW, THEREFORE, the Ministry, in exercise of the powers conferred upon it by section seven of the Act of 1945 and of all other powers enabling it in that behalf, hereby orders as follows :—

*General*

**1.**—(1) This Order may be cited as the Coleraine, Portrush and Portstewart Waterworks Joint Board Order (Northern Ireland), 1947.

(2) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" appointed day " means the 7th day of May, 1947 ;

" prescribed day " means a day prescribed by Order of the Ministry.

(3) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of this Order in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

*Formation of district*

**2.** The component districts shall be formed into a united district to be called the Coleraine, Portrush and Portstewart Waterworks Joint District (in this Order referred to as " the united district ") for the purpose of providing a supply of water for the component districts.

*Constitution of governing body*

**3.**—(1) The joint board which shall be the governing body of the united district shall consist of four ex-officio and eight elective members and shall be called the Coleraine, Portrush and Portstewart Waterworks Joint Board (in this Order referred to as " the Joint Board ").

(2) The chairman for the time being of each of the councils of the component districts (which councils are in this Order referred to as " the component authorities ") shall be an ex-officio member of the Joint Board.

(3) Two elective members shall be elected annually by each of the component authorities and the said members shall be chosen by each of the component authorities from among its own members.

Provided that the Ministry may, on the application of the Joint Board and with the consent of each of the component authorities, vary the number of members of the Joint Board or the number of members to be elected by a component authority.

*Disqualification*

**4.** Such of the provisions of Article 12 of the Schedule to the Local Government (Application of Enactments) Order, 1898, as relate to

members of district councils and the provisions of paragraph (6) of Article 36 of the said Schedule shall, with the necessary modifications, apply to members of the Joint Board.

*Date of first election*

**5.**—(1) The first election of members of the Joint Board shall take place at a meeting of each of the component authorities to be held within six weeks after the appointed day or within such further time as the Ministry may allow.

(2) The clerk of each of the component authorities shall give or send to each member of the authority not less than seven days' previous notice in writing of the meeting.

(3) The persons elected in pursuance of this article shall come into office on such date as the Ministry may direct.

*Notification to the Ministry of members at first election*

**6.** The clerk of each of the component authorities shall notify to the Ministry in writing within seven days after the first election the name, address and occupation of each of the persons elected by such authority as a member of the Joint Board.

*Annual election*

**7.**—(1) The elective members of the Joint Board shall go out of office and their successors shall come into office on the first day of July in each year or on such date as the Ministry may from time to time appoint.

(2) After the first election, an annual election of elective members of the Joint Board by the component authorities shall take place at the annual meeting of each of the component authorities or at such meeting as the Ministry may appoint.

*Continuance in office*

**8.** Each elective member of the Joint Board shall continue in office until the expiration of the period for which he was elected a member of the Joint Board, or until he dies or resigns or vacates his seat for absence or becomes an ex-officio member of the Joint Board or becomes disqualified, whichever first happens.

*Casual vacancies*

**9.**—(1) Any vacancy occurring amongst the members of the Joint Board shall be filled by the component authority in whose representation the vacancy happens at a meeting to be held within six weeks of such vacancy occurring or within such further period as the Ministry may determine.

(2) The clerk of the component authority shall give or send to each member of the authority not less than seven days' previous notice in writing of the meeting.

(3) The clerk of the component authority shall forthwith notify in writing to the clerk of the Joint Board the name, address and occupation of any person elected under this article to fill a casual vacancy.

*Proceedings at elections*

**10.** Subject to the express provisions in that behalf contained in this Order, the business at elections of members of the Joint Board shall be conducted and all questions shall be put and decided in the same manner as other business is conducted and other questions are put and decided at the meetings of the component authorities respectively.

*Incorporation of Joint Board*

**11.** The Joint Board constituted as aforesaid shall be a body corporate by the name of "The Coleraine, Portrush and Portstewart Waterworks Joint Board" and shall have perpetual succession and a common seal, with power to acquire and hold lands for the purposes in this Order mentioned.

*Powers, rights, duties, etc., of Joint Board*

**12.**—(1) For the purpose of providing a supply of water to the component authorities the Joint Board shall, subject as hereinafter provided, have all the powers, rights, duties, capacities, liabilities and obligations of a sanitary authority under the Public Health Acts (Northern Ireland), 1878 to 1946, and the Act of 1945.

(2) The Joint Board shall have no power to supply water to any person or persons within the component districts other than to the component authorities, but may exercise the power of supplying and selling water to persons in other districts conferred by section two of the Public Health (Ireland) Act, 1896, as amended by sub-section (4) of section seven of the Act of 1945.

Provided that nothing herein contained shall be read and construed as conferring any powers, rights, duties, capacities, liabilities or obligations on the Joint Board with respect to the waterworks maintained and controlled by the respective component authorities.

*Expenses of Joint Board*

**13.** The expenses to be incurred by the Joint Board in the execution of this Order shall be defrayed out of a common fund to be contributed by the component districts in such proportions as the component authorities may from time to time by agreement determine or, in default of such agreement, as the Ministry may fix.

*Meetings of Joint Board*

**14.**—(1) The first meeting of the Joint Board shall be held at such time and at such place as may be directed by the Ministry.

(2) A annual meeting of the Joint Board shall take place in every year during the month of July or at such other time as the Ministry may from time to time appoint and the ordinary meetings of the Joint Board shall take place at such times as the Joint Board may decide.

(3) The clerk of the Joint Board shall summon a meeting of the Joint Board on being required by the Ministry so to do.

*Chairman and Vice-chairman of Joint Board*

**15.**—(1) At the annual meeting of the Joint Board the members shall elect one of their number chairman and another vice-chairman of the Joint Board.

(2) Such chairman and vice-chairman shall hold office until the next annual appointment of a chairman and vice-chairman unless such chairman or vice-chairman dies, resigns or ceases to be a member of the Joint Board.

(3) In the event of the death or resignation of such chairman or vice-chairman or of his ceasing to be a member of the Joint Board, the Joint Board at the next meeting after such vacancy has taken place shall appoint another member of the Joint Board to fill the vacancy.

*Conduct of business at meetings of Joint Board*

**16.** At all meetings of the Joint Board the chairman or, in his absence, the vice-chairman, shall preside and if, at the commencement of any meeting, the chairman and vice-chairman are both absent, the members of the Board present shall elect one of their number to preside at such meeting until the chairman or vice-chairman takes the chair.

*Questions to be decided by a majority of votes.*

**17.** Every question at any meeting of the Joint Board shall be determined by a majority of the votes of the members present and voting, and in any case in which there is an equality of votes on any question the chairman shall have an additional or casting vote ; provided that where there is an equality of votes at the election of the chairman or vice-chairman of the Joint Board or the chairman of a meeting, it shall be determined by lot which of the persons receiving an equal number of votes shall be chairman or vice-chairman of the Joint Board or the chairman of the meeting as the case may be.

*Quorum of Joint Board*

**18.** No act at any meeting of the Joint Board shall be valid unless five members at least are present.

*Appointment of officers, etc.*

**19.**—(1) The Joint Board may, with the approval of the Ministry, appoint a clerk and engineer, and may appoint such other persons as the Joint Board may deem necessary.

(2) The Joint Board may pay to the clerk, engineer and such other persons appointed as aforesaid such remuneration as the Ministry shall approve.

*Audit of accounts of Joint Board*

**20.**—(1) The accounts of the Joint Board shall be made up in such form and to such days in each year as may be appointed by the Ministry and shall be audited by such local government auditor as may from time to time be appointed by the Ministry for that purpose.

(2) The auditor so appointed shall, with respect to the accounts of the Joint Board, have the like powers and be subject to the like obligations in every respect as in the case of an audit of the accounts of a district council under the Local Government Acts (Northern Ireland), 1898 to 1946, and the Local Government (Application of Enactments) Order, 1898, and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit.

(3) If upon any audit of the accounts of the Joint Board it is ascertained that the Board have a surplus of receipts over expenditure, such surplus shall be dealt with in such manner as the Ministry may direct.

(4) The proportion of the salary of the auditor to be paid by the Joint Board shall be determined by the Ministry and shall be paid accordingly to such bank or person as the Ministry may direct.

(5) The clerk of the Joint Board shall forward to the Ministry so many copies of the abstract of the accounts of the Joint Board when duly audited as the Ministry shall require.

(6) The Joint Board shall be and be deemed to be a public body within the meaning of the Local Government Acts (Northern Ireland), 1898 to 1946.

*Abolition of Coleraine and Portstewart Waterworks Joint Board and consequential provisions*

**21.**—(1) As from the prescribed day the Coleraine and Portstewart Waterworks Joint District formed under the Act of 1933 shall cease to be a united district.

(2) As from the prescribed day the Coleraine and Portstewart Waterworks Joint Board constituted under the Act of 1933 shall cease to exist and the members thereof shall cease to hold office.

(3) All property, rights and liabilities held, enjoyed or incurred before the prescribed day by the Coleraine and Portstewart Waterworks Joint Board shall subject as hereinafter provided be transferred to the Joint Board as from the prescribed day; and accordingly, as from that day, by virtue of this Order and without any further conveyance, transfer or assignment—

(*a*) the said property, real or personal, shall vest in the Joint Board ;

(*b*) the said rights shall be enjoyed by the Joint Board ; and

(*c*) the said liabilities shall become liabilities of the Joint Board.

(4) The following provisions shall apply in relation to the functions transferred by this Article :—

(i) In the construction and for the purposes of any enactment, judgment, decree, order, award, deed, contract, regulation, bye-law, certificate or other document passed or made before the prescribed day, any reference to, or which is to be construed as a reference to, the Coleraine and Portstewart Waterworks Joint Board shall be construed as a reference to the Joint Board.

(ii) Anything commenced before the prescribed day by or under the authority of the Coleraine and Portstewart Waterworks Joint Board may be carried on or completed by or under the authority of the Joint Board.

(iii) Where at the prescribed day any legal proceeding is pending to which the Coleraine and Portstewart Waterworks Joint Board is a party the Joint Board shall be substituted in the proceeding for the Coleraine and Portstewart Waterworks Joint Board and the proceeding shall not abate by reason of the substitution.

(5) The financial adjustments consequent upon the transfer of property, rights and liabilities under this Article shall be the subject of an agreement to be entered into by the Joint Board, the Council of the Borough of Coleraine and the Council of the Urban District of Portstewart, such agreement to be subject to the approval of the Ministry, and, in the absence of agreement between the parties, the said adjustments shall be determined by the Ministry.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this seventh day of May, One thousand nine hundred and forty-seven.

(L.S.) *W. McCaughey,*
Assistant Secretary.

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ORDER, DATED 16TH JUNE, 1947, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE WATER SUPPLIES AND SEWERAGE ACT (NORTHERN IRELAND), 1945.

1947. No. 104

WHEREAS article twenty-one of the Coleraine, Portrush and Portstewart Waterworks Joint Board Order (Northern Ireland), 1947, provides for the abolition of the Coleraine and Portstewart Waterworks