the same shall be taxed by the taxing officer of the Parliament of Northern Ireland) shall be paid by the Commissioners out of the rates authorised to be levied or the moneys authorised to be borrowed by the Belfast Water Acts 1840 to 1938 and by this Order and if paid out of borrowed money shall be repaid within five years from the making of this Order.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twentieth day of July, one thousand nine hundred and forty-eight.

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

Portadown and Banbridge Regional Waterworks Joint Board

ORDER, DATED THE 1ST JULY, 1948, 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 PORTADOWN, URBAN DISTRICTS OF BANBRIDGE, DROMORE AND NEWRY AND THE RURAL DISTRICTS OF BANBRIDGE, DOWNPATRICK, NEWRY NO 1 AND TANDRAGEE.

1948. No. 180

WHEREAS the Borough of Portadown, the Urban Districts of Banbridge, Dromore and Newry and the Rural Districts of Banbridge, Downpatrick, Newry No. 1 and Tandragee (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 Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act, 1902 (a) (in this Order referred to as " the Act of 1902 "), the Urban Districts of Portadown and Banbridge were formed into a united district (known as the Portadown and Banbridge Joint Waterworks District) and a joint board (called the Portadown and Banbridge Joint Waterworks 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 1902 :

(a) 2, Ed. 7. c. XCIII.

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 Portadown and Banbridge Regional Waterworks Joint Board Order (Northern Ireland), 1948.

(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 1st day of July, 1948 ;

" chairman " includes the mayor of a borough ;

" prescribed day " means a day prescribed by 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 Portadown and Banbridge Regional 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 twenty elective members, and shall be called the Portadown and Banbridge Regional Waterworks Joint Board (in this Order referred to as " the Joint Board ").

(2) The chairman for the time being of each of the following councils shall be an ex-officio member of the Joint Board :—

The Council of the Borough of Portadown
The Council of the Urban District of Banbridge
The Council of the Urban District of Newry
The Council of the Rural District of Banbridge

(3) The elective members of the Joint Board shall be elected annually by the councils of the component districts (which councils are in this Order referred to as " the component authorities ") from amongst their own members as follows :—

The Council of the Borough of Portadown	—7 members
The Council of the Urban District of Banbridge	—3 members

The Council of the Urban District of Dromore —1 member
The Council of the Urban District of Newry —2 members
The Council of the Rural District of Banbridge —4 members
The Council of the Rural District of Downpatrick—1 member
The Council of the Rural District of Newry No. 1—1 member
The Council of the Rural District of Tandragee —1 member

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 Portadown and Banbridge Regional 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.

(3) It shall be lawful for the Joint Board and any of the component authorities to make and carry into effect, notwithstanding anything

in any enactment (including this Order) to the contrary, any agreement whereby the Joint Board may act as agent for such authority for the supply of water within the area of the said authority.

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) An 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 nine 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 an engineer, and may appoint such other person 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 Portadown and Banbridge Joint Waterworks Board and consequential provisions

21.—(1) As from the prescribed day the Portadown and Banbridge Joint Waterworks District formed under the Act of 1902 shall cease to be a united district.

(2) As from the prescribed day the Portadown and Banbridge Joint Waterworks Board constituted under the Act of 1902 shall cease to exist and the members thereof shall cease to hold office.

(3) As from the prescribed day, the powers and duties of the Portadown and Banbridge Joint Waterworks Board in relation to the Borough of Portadown and the Urban District of Banbridge respectively, shall, subject to the provisions of this Order, be exercised and performed by the Councils of the Borough of Portadown and Urban District of Banbridge respectively as if the Act of 1902 had not passed.

(4) All property, rights and liabilities held, enjoyed or incurred before the prescribed day by the Portadown and Banbridge Joint Waterworks 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.

(5) 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 Portadown and Banbridge Joint Waterworks 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 Portadown and Banbridge Joint Waterworks 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 Portadown and Banbridge Joint Waterworks Board is a party the Joint Board shall be substituted in the proceeding for the Portadown and Banbridge Joint Waterworks Board and the proceeding shall not abate by reason of the substitution.

(6) The finanacial adjustments consequent upon the transfer of property, rights and liabilities under this Article and the disposal of the property acquired by the Joint Board under this Article shall be the subject of an agreement to be entered into by the Joint Board, the Council of the Borough of Portadown and the Council of the Urban District of Banbridge, 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 first day of July, one thousand nine hundred and forty-eight.

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

ORDER, DATED 17TH AUGUST, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE WATER SUPPLIES AND SEWERAGE ACT (NORTHERN IRELAND), 1945.

1948. No. 253

WHEREAS article twenty-one of the Portadown and Banbridge Regional Waterworks Joint Board Order (Northern Ireland), 1948 (a) provides for the abolition of the Portadown and Banbridge Joint Waterworks Board and the transfer of all property, rights and liabilities of the said Board to the Portadown and Banbridge Regional Waterworks Joint Board as from the prescribed day :

AND WHEREAS paragraph (2) of article one of the said order provides that the expression " prescribed day " means a day prescribed by Order of the Ministry of Health and Local Government for Northern Ireland :

NOW, THEREFORE, the Ministry of Health and Local Government for Northern Ireland hereby orders and declares that the prescribed day for the purposes of the Portadown and Banbridge Regional Waterworks Joint Board Order (Northern Ireland), 1948 shall be the 1st day of September, 1948.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this seventeenth day of August, one thousand nine hundred and forty-eight.

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

(a) S. R. & O. (N.I.) 1948 No. 180.