Ministry of Housing and Local Government Provisional Order Confirmation (West Kent Main Sewerage District) Act 1968

CHAPTER xxiii

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ELIZABETH II



1968 CHAPTER xxiii

An Act to confirm a Provisional Order of the Minister of Housing and Local Government relating to the West Kent Main Sewerage District. [26th July 1968]

WHEREAS under the provisions of the Public Health Act 1875 the Minister of Housing and Local Government has made a Provisional Order which needs confirmation by Parliament: 1875 c. 55.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The order of the Minister of Housing and Local Government which is set out in the Schedule to this Act is hereby confirmed and shall have full validity and force. Confirmation of order in schedule.

2. This Act may be cited as the Ministry of Housing and Local Government Provisional Order Confirmation (West Kent Main Sewerage District) Act 1968. Short title.

Section 1.

SCHEDULE

WEST KENT MAIN SEWERAGE DISTRICT

PROVISIONAL ORDER REPEALING AND AMENDING CERTAIN LOCAL ACTS AND CONFIRMING ACTS

The Minister of Housing and Local Government, on the application of the West Kent Main Sewerage Board, and in exercise of his powers under article VI of the West Kent Main Sewerage Order 1886, which was confirmed by the Local Government Board Provisional Orders Confirmation (No. 7) Act 1886, article 13(4) of the London Government Order 1965 and sections 297 and 303 of the Public Health Act 1875, hereby makes the following order:—

1886 c. xv.
S.I. 1965/654.
1875 c. 55.

Citation and commencement.

1.—(1) This order may be cited as the West Kent Main Sewerage Order 1968, and the West Kent Main Sewerage Orders 1886 to 1968 and this order may be cited together as the West Kent Main Sewerage Orders 1886 to 1968.

(2) This order shall come into operation for the purposes of articles 4, 8 and 9 hereof, and the repeal of the Act of 1878 and the order thereby confirmed (all of which are concerned with, incidental to or consequent upon alterations to the Board's district on the appointed day and for all other purposes on the date of the Act of Parliament confirming it.

Interpretation.

2. In this order, unless the context otherwise requires:—

1875 c. clxiii. "the Act of 1875" means the West Kent Main Sewerage Act 1875;

1878 c. ccxi. "the Act of 1878" means the Local Government Board Provisional Order Confirmation (Darenth Valley) Act 1878;

1936 c. 49. "the Act of 1936" means the Public Health Act 1936;

"the appointed day" means the day fixed in pursuance of article 3 of this order;

"the Board" means the West Kent Main Sewerage Board;

"constituent authority" has the meaning given to that expression by section 4 of the Act of 1875;

"the Dartford corporation" means the mayor, aldermen and burgesses of the borough of Dartford, acting by the council of the borough;

"the deposited map" means the map prepared in duplicate, sealed with the official seal of the Minister and marked "Map referred to in the West Kent Main Sewerage Order 1968", of which one duplicate has been deposited and is available for inspection in the offices of the Board and the other in the offices of the Minister;

1966 c. iv. "the local Acts and Orders" means the enactments so described in article 2 of the West Kent Main Sewerage Order 1966 which was confirmed by the Ministry of Housing and Local Government Provisional Order Confirmation (We-

Kent Main Sewerage District) Act 1966 together with the West Kent Main Sewerage Order 1967 and this order ; S.I. 1967/511.

"the Minister" means the Minister of Housing and Local Government ;

"the Order of 1894" means the West Kent Main Sewerage Order 1894 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 18) Act 1894 ; 1894 c. cxxxi.

"the rural council" means the rural district council of Dartford ;

"the Swanscombe council" means the urban district council of Swanscombe.

The appointed day.

3.—(1) The appointed day may be fixed by resolution of the Board subject to and in accordance with the provisions of this article and different days may be fixed for different purposes.

(2) The Board shall cause to be published in a local newspaper circulating in its district notice—

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

(*b*) of the general effect of the provisions of this order coming into operation as from that day ;

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

(3) Either—

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

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

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

Alteration of the West Kent main sewerage district. S.I. 1955/412.

4.—(1) The West Kent main sewerage district shall be extended as to include the whole of the rural district of Dartford and accordingly in Schedule 1 to the West Kent Main Sewerage Order 1955 (which added new constituent authorities to the Board and areas to the district of the Board) for the entry in column 2 (Description of district) opposite the name of the rural council in column 1 (Name of authority) of that Schedule, there shall be substituted the words "the rural district of Dartford".

(2) In the exercise of their functions under article I of the Order of 1894 (which requires the Board from time to time to determine and declare the degree in which the respective districts of the constituent authorities are or will be benefited by the execution and maintenance of the sewers and sewage disposal works of the Board) the Board shall have regard—

(*a*) to the sewerage of part of the parish of Southfleet in the rural district of Dartford otherwise than into the sewers and sewage disposal works of the Board ; and

(*b*) to the sewerage of part of the rural district of Dartford into the Stone sewage works of the rural council.

(3) The part of the London borough of Bexley comprising part of the Belvedere and Bostall wards of the borough and coloured pink on the deposited map shall no longer be part of the West Kent main sewerage district.

Representation of Bexley and Bromley councils.

5.—(1) The councils of the London boroughs of Bexley and Bromley shall be represented on the Board by seven members and nine members, respectively, of those councils and the local Acts and Orders shall have effect accordingly.

S.I. 1965/654.

(2) Paragraph (1) of article 13 of the London Government Order 1965 (which makes provision for the representation of the said London boroughs on the Board with a restriction on the right to such representation and of election therefor to certain councillors only) shall cease to have effect.

Amendment of section 50 of Act of 1875.

6. Section 50 of the Act of 1875 (which gives constituent authorities the right to the use of the Board's sewers) shall be re-numbered as and become sub-section (1) of the said section 50, and the following sub-sections shall be added:—

"(2) Where a constituent authority propose to construct a sewer and to exercise in relation thereto the right given by the preceding sub-section they shall, before beginning any works for the purpose, give notice of the proposal to the Board and shall not proceed therewith except in accordance with the reasonable requirements of the Board.

(3) A notice under the preceding sub-section shall be in writing and accompanied by plans and sections of the sewer and any communication, shewing its location and such other matters as the Board may reasonably require."

Application of sections 25 and 32 of the Public Health Act 1936 to sewers of the Board.
S.I. 1959/383.
1936 c. 49.

7.—(1) In article 4 of the West Kent Main Sewerage Order 1959 (which provides that for purposes specified in that article all sewers vested in the Board shall be deemed to be public sewers), after the words "the first schedule to this order", there shall be inserted the words "sections 25 and 32 of the Public Health Act 1936".

(2) For the purpose of enabling each constituent authority to shew and distinguish on the map which is required by section 30 of the Act of 1936 to be kept deposited at the offices of the authority the sewers vested in the Board, the Board shall supply to each constituent authority by means of maps or extracts from maps drawn to a scale of at least twenty-five inches to one mile particulars of the sewers within the district of each constituent authority for the time being vested in the Board and, from time to time, particulars of any new sewers laid and of alterations in existing sewers.

(3) Where under the Act of 1936 plans of a building or of an extension to a building are, in accordance with building regulations, deposited with a constituent authority and it is proposed to erect the building or the extension, as the case may be, over any sewer

vested in the Board which is shewn on the map of sewers required by section 32 of the Act of 1936 to be kept deposited at the offices of the constituent authority, the authority shall forthwith notify the Board and in making their decision under section 25 of that Act shall give effect to any representations made by the Board:

Provided that the amount of any compensation payable to any person by reason of the exercise by any constituent authority of the powers of the said section 25 in relation to any sewer vested in the Board, shall be repaid to that authority by the Board.

Cancellation of agreements.

8. Without prejudice to the rights of the parties thereto to recover any sum of money due thereunder in respect of any period before the appointed day:—

(*a*) the agreements dated 14th April 1960 and 5th February 1965 and made between the Dartford corporation of the first part, the Board of the second part and the rural council of the third part with respect to the sewerage of the Hartley, Longfield, New Barn and West Kingsdown areas of the rural district of Dartford,

(*b*) clauses 2 and 4 (with the exception of paragraph (*b*)(ii)(1) of clause 4), of the agreement dated 10th April 1967 and made between the Board of the first part, the rural council of the second part and the Swanscombe council of the third part, and

(*c*) clause 4 of the agreement dated 9th November 1966 and made between the rural council of the first part, Span Kent Limited of the second part and the Board of the third part with respect to the sewerage of the New Ash Green area of the rural district of Dartford

shall cease to have effect.

For protection of Dartford corporation and Swanscombe council.

9.—(1) Nothing in this order shall prejudice or affect the duties rights and liabilities of the Dartford corporation or of the Board under the agreement dated 26th May 1882 and made between the Dartford Local Board of Health of the one part and the Board of the other part.

(2) Nothing in this order shall affect the right of the Swanscombe council to discharge sewage into the sewers and works of the Board by way of sewers vested in the rural council in pursuance of an agreement dated 6th March 1928 and made between the rural council of the one part and the Swanscombe council of the other part and the agreement mentioned in paragraph (*b*) of article 8 of this order.

Citation, application and repeal of enactments.

10.—(1) The Act of 1875 and the local Acts mentioned in Part I of the Schedule to this order may be cited together as the West Kent Main Sewerage Acts 1875 to 1879.

(2) Subject to the provisions of this order the local Acts and Orders as amended shall apply to the district of the Board as altered by this order.

(3) The enactments mentioned in the Schedule to this order are hereby repealed.

SCHEDULE

ENACTMENTS REPEALED

Part I—Repeals of Local Acts

Session and Chapter	Short Title	Extent of Repeal
39 & 40 Vict. c. lvii.	The West Kent Main Sewerage (Amendment) Act 1876.	Section 11.
40 & 41 Vict. c. lxviii.	The West Kent Main Sewerage (Amendment) Act 1877.	In section 17 the words " other than the Beckenham members ".
42 & 43 Vict. c. lxviii.	The West Kent Main Sewerage (Amendment) Act 1879.	Sections 9 and 12.

Part II—Repeals of Confirmation Acts and Provisional Orders

Confirmation Act		Order thereby confirmed relating to the Board	Extent of Repeal
Session and Chapter	Short Title		
41 & 42 Vict. c. ccxi.	The Local Government Board's Provisional Order Confirmation (Darenth Valley) Act 1878.	The Darenth Valley Main Sewerage Order 1878.	The whole Act and order.
50 & 51 Vict. c. clxxix.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1887.	The West Kent Main Sewerage Order 1887.	Article II.
16 & 17 Geo. 5. c. xix.	The Ministry of Health Provisional Orders Confirmation (No. 1) Act 1926.	The West Kent Main Sewerage Order 1926.	Article 3.
20 & 21 Geo. 5. c. xci.	The Ministry of Health Provisional Orders Confirmation (Guildford and West Kent Main Sewerage District) Act 1930.	The West Kent Main Sewerage Order 1930.	Article 4.
23 & 24 Geo. 5. c. xvii.	The Ministry of Health Provisional Orders Confirmation (Hereford and West Kent Main Sewerage District) Act 1933.	The West Kent Main Sewerage Order 1933.	Article 4.
1966 c. iv.	The Ministry of Housing and Local Government Provisional Order Confirmation (West Kent Main Sewerage District) Act 1966.	The West Kent Main Sewerage Order 1966.	The proviso to paragraph (1) of article 5.

Part III—Repeals of Statutory Rules and Orders and Statutory Instruments SCH. —*cont.*

Year and Number	Title or Short Title	Extent of Repeal
...78—7,728.	Order under section 94 of the West Kent Main Sewerage Act 1875 dated 20th March 1878.	The whole order.
S.R. & O. 1901/83.	Order under section 94 of the West Kent Main Sewerage Act 1875 dated 30th January 1901.	The whole order.
S.R. & O. 1903/466.	Order under section 94 of the West Kent Main Sewerage Act 1875 dated 5th June 1903.	The whole order.
S.I. 1949/703.	The West Kent Main Sewerage Board (No. 2) Order 1949.	The whole order.
S.I. 1955/412.	The West Kent Main Sewerage Order 1955.	The proviso to paragraph (1) of article 5 and article 6.

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