CHAPTER cxliii.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Goole and Oldham. [1st August 1930.]

A.D. 1930.

WHEREAS under the provisions of the Public Health Act 1875 the Minister of Health has made certain provisional orders which need confirmation by Parliament: 38 & 39 Vict. c. 55.

Be it therefore 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:—

1. The Orders of the Minister of Health which as amended are set out in the schedule to this Act are hereby confirmed and shall have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Orders Confirmation (Goole and Oldham) Act 1930. Short title.

A.D. 1930.

SCHEDULE.

URBAN DISTRICT OF GOOLE.

Goole Order.

Provisional order altering local Acts and a provisional order.

WHEREAS the urban district council of Goole are the local authority for the purposes of the Public Health Act 1875 for the urban district of Goole;

And whereas under the provisions of the Goole and District Gas and Water Act 1881 as amended by the Goole Order 1896 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1896 and the Goole Urban District Council Act 1899 the Council carry on a water undertaking and supply water within their district and certain other areas;

And whereas by section 79 of the local Act of 1881 the Council are empowered to enter into and carry into effect contracts and arrangements with any local authority company or person empowered to contract with them for the supply beyond the limits of that Act of water in bulk or by meter for any period not exceeding under any such contract or arrangement ten years and by paragraph (5) of section 22 of the local Act of 1899 it is provided that that power shall not be exercisable without the consent of the local authority or of any company supplying water under parliamentary powers within the district to be supplied;

And whereas the Council have applied to the Minister of Health for the issue of a provisional order to alter or amend the local Acts and the order of 1896 in the manner following:

Now therefore the Minister of Health in pursuance of the powers given to him by sections 297 and 303 of the Public Health Act 1875 and of all other powers enabling him in that behalf hereby orders as follows:—

Short title and commencement.

1.—(1) This order may be cited as the Goole Order 1930 and the Goole Order 1896 and this order may be cited together as the Goole Orders 1896 and 1930.

(2) This order shall come into operation on the date of the Act of Parliament confirming it.

Interpretation.

2. In this order unless the context otherwise requires—

"the Council" means the urban district council of Goole;

"the water limits" means the limits within which the Council are for the time being authorised to supply water; and

"the water undertaking" means the water undertaking of the Council under the local Acts and order mentioned in the second recital to this order.

Incorporation of certain Acts.

3. In so far as the same are applicable for the purposes of this order and are not inconsistent with its provisions the Waterworks Clauses Acts 1847 and 1863 are hereby incorporated with this order except the following provisions of the Waterworks Clauses Act 1847—

(*a*) the provisions with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit;

(*b*) section 83 (which relates to accounts);

(*c*) the words "with the consent in writing of the owner "or reputed owner of any such house or of the agent of "such owner" in section 44; and

(*d*) so much of that Act as authorises the Council to cut off or discontinue any supply of water for domestic purposes.

Amendments of provisions as to supply of water in bulk outside limits.

4.—(1) In section 79 of the Goole and District Gas and Water Act 1881 the words "for any period not exceeding under any such contract or arrangement ten years" shall cease to have effect so far as they relate to contracts or arrangements for the supply of water in bulk beyond the water limits.

(2) Paragraph (5) of section 22 of the Goole Urban District Council Act 1899 shall be amended by the insertion therein after the word "company" of the words "or person."

Charges for use of water by hose-pipe.

5.—(1) Where water supplied for domestic purposes is used for horses or washing motor cars or vehicles or for other purposes in stables garages or premises where horses motor cars or vehicles are kept the Council may if a hose-pipe or other similar apparatus is employed charge for the water so used such a sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars or vehicles than one are kept) a further sum not exceeding ten shillings per annum for each motor car or vehicle beyond the first.

(2) Where water supplied by the Council to a person who takes a supply both for domestic purposes and by measure for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing motor cars or vehicles or for other purposes in stables garages or premises

A.D. 1930.

Goole Order.

where horses motor cars or vehicles are kept the Council may if they think fit require that all water so used by means of such hose-pipe or other similar apparatus shall be taken by measure and paid for accordingly.

Charges for supplies for refrigerating apparatus.

6. Where a person who takes a supply of water for domestic purposes from the Council desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Council shall be entitled to require that all water so used shall—

(1) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be a charge not exceeding five shillings; or

(2) be paid for at such rates as may be agreed between the consumer and the Council.

Rates payable by owners in certain cases and discount.

7.—(1) Where a house supplied by the Council with water is included in a class of hereditaments defined by any resolution of the rating authority under subsection (1) of section 11 of the Rating and Valuation Act 1925 as amended by section 71 of the Local Government Act 1929 which may be in force in that part of the water limits in which the house is situate the owner of the house instead of the occupier shall if the Council so determine be liable to pay the rate for the supply of water but notwithstanding any such determination the rate may be recovered from the occupier and may if so recovered and if the occupier be not himself liable for the water rate under any lease or agreement be deducted by him from the rent from time to time due from him to the owner:

Provided that no greater sum shall be recovered by the Council at any one time from any such occupier than the amount of rent which shall be owing by him or which shall have accrued due from him subsequent to the service upon him by the Council of a notice to pay the rate.

(2) The Council may if they think fit by resolution direct that an allowance by way of discount not exceeding ten per cent. of the amount of the rate for the supply of water otherwise payable by an owner shall be made to all owners of houses—

(*a*) who by paragraph (1) of this article are made liable for the rate instead of the occupiers; and

(*b*) who pay the net amount of the rate within such period not exceeding three months after a demand for payment has been delivered to the owner by the Council as the Council may prescribe.

(3) The allowance by way of discount under paragraph (2) of this article shall be made at the same rate to all persons who are entitled to it and the Council may at any time revoke or vary any resolution under that paragraph.

(4) The provisions of this article shall be in addition to and not in derogation of the provisions of section 72 of the Waterworks Clauses Act 1847. A.D. 1930. *Goole Order.*

Power to break up streets &c.

8.—(1) For the purpose of enabling any person to comply with any obligation imposed on him by the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus used for the supply of water by the Council that person shall have the like powers of opening the ground as are conferred upon persons by sections 48 to 52 of the Waterworks Clauses Act 1847 for the purpose of laying communication pipes subject nevertheless to the conditions imposed by those sections.

(2) The Council by agreement with any owner or occupier who is entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street within the water limits may subject to the like conditions execute those works on behalf of the owner or occupier and subject to the terms of the agreement any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Power to Council to repair communication pipes

9.—(1) If in the opinion of the Council any waste of water or injury or risk of injury to person or property is caused or is likely to be caused by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain the Council may execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without a request being made to them.

(2) If any injury to or defect in the communication pipe shall have been found to exist the reasonable expenses incurred by the Council in ascertaining the injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil) shall be recoverable by the Council from the owner of the premises supplied or where the communication pipe is repairable by the occupier of those premises from the occupier in like manner as the water rates in respect of the premises are recoverable.

(3) Except in case of emergency the Council shall not under the powers of this article enter into any house or private premises unless they shall have given to the owner and occupier of the house or premises not less than twenty-four hours previous notice of their intention so to enter.

Council to connect pipes with mains.

10.—(1) Notwithstanding anything in any local Act the Council shall have the exclusive right of executing any works on any of their water mains within the water limits for the purpose of connecting any communication or service pipe with the main.

A.D. 1930.

Goole Order.

(2) The Council on the request of the owner or occupier of any premises who is entitled to be supplied with water by the Council shall execute on any water main of the Council any work which may be necessary to connect the communication or service pipe of that owner or occupier with the main subject nevertheless to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and the reasonable expenses incurred by the Council in the execution of the work shall be repaid by the owner or occupier by whom the request was made and shall be recoverable summarily as a civil debt.

Maintenance of common pipes.

11. Where several houses or parts of houses in the occupation of several persons are supplied with water by the Council by one common pipe belonging to several owners or occupiers of those houses or parts of houses those several owners and occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of the pipe in such proportions as may be settled by the manager of the water undertaking or other officer duly authorised in that behalf by the Council.

Penalty for closing valves and apparatus.

12. Every person who—

(1) without the consent of the Council shall wilfully; or

(2) shall negligently;

close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable on conviction to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained:

Provided that this provision shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for opening valves &c.

13. Any person being the owner or occupier of—

(1) any house or building or part of a house or building; or

(2) any premises;

to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purposes of affording a supply of water shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and that section shall extend and apply accordingly.

Recovery of penalties &c.

14. Save as otherwise expressly provided by any Act or order from time to time relating to the water undertaking all offences against any such Act or order and all penalties forfeitures costs and expenses imposed by or recoverable under any such Act or order or any byelaw made in pursuance of a power thereby conferred may be prosecuted and recovered in a summary manner:

Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

15. Proceedings for the recovery of any demand made under the authority of any Act or order from time to time relating to the water undertaking or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

BOROUGH OF OLDHAM.

Oldham (Water Charges) Order.

Provisional Order amending the Oldham Improvement Act 1880.

WHEREAS the borough of Oldham is an urban district and the mayor aldermen and burgesses acting by the council are in relation to the borough the local authority for the purposes of the Public Health Act 1875 and under the provisions of the Oldham Improvement Act 1880 and other local Acts carry on a water undertaking and supply water within the borough and certain other areas;

And whereas by section 30 of the local Act of 1880 provision is made with respect to the water rents payable to the Oldham Corporation for the supply of water for domestic purposes and by the Oldham Water (Modification of Charges) Order 1923 the provisions of that section were so modified as to authorise the Corporation to increase by not more than fifteen per centum the price chargeable for such supply of water;

And whereas the Corporation have applied to the Minister of Health for the issue of a provisional order to amend the local Act of 1880 in the manner following:

Now therefore the Minister of Health in pursuance of his powers under section 303 of the Public Health Act 1875 and of

A.D. 1930.

Oldham (Water Charges) Order.

all other powers enabling him in that behalf hereby orders as follows:—

Short title commencement and interpretation.

1.—(1) This order may be cited as the Oldham (Water Charges) Order 1930 and shall come into operation on the twenty-fourth day of June nineteen hundred and thirty.

(2) In this order—

"the Act of 1880" means the Oldham Improvement Act 1880;

"the borough" means the borough of Oldham;

"the Corporation" means the mayor aldermen and burgesses of the borough acting by the council;

"the limits of supply" means the limits within which the Corporation may be from time to time authorised to supply water;

"the Minister" means the Minister of Health.

Amendment of section 30 of Act of 1880.

2. In section 30 of the Act of 1880 for the words "seven pounds ten shillings" there shall be substituted the words "ten pounds" and for the words "eight pounds ten shillings" there shall be substituted the words "eleven pounds" and in the second proviso to that section for the words "seven shillings and sixpence" there shall be substituted the words "ten shillings" and for the words "eight shillings and sixpence" there shall be substituted the words "eleven shillings."

Revision of water rents.

3.—(1) On the application of the Corporation or of the council of any district wholly or in part within the limits of supply or of twenty consumers within those limits the Minister may from time to time by order vary the water rents which the Corporation are by section 30 of the Act of 1880 as amended by this order authorised to charge:

Provided that no such order shall without the consent in writing of the Corporation and of the councils of the districts wholly or in part within the limits of supply vary the water rents in such a manner as to alter either the difference of one pound per centum on gross annual value existing between the maximum charges prescribed by section 30 of the Act of 1880 as amended by this order or the difference of one shilling existing between the minimum charges prescribed by the second proviso to that section as amended by this order.

(2) Before making an order under this article the Minister shall require the Corporation to give such public notice of the application for the order as he may consider best adapted for

informing water consumers of the application and as to the manner in which any objection to the application may be made.

(3) As soon as practicable after an order is made under this article the Corporation shall cause the order to be published in two successive weeks in one or more local newspapers circulating throughout the area included in the limits of supply.

Partial repeal of order of 1923.

4. The Oldham Water (Modification of Charges) Order 1923 in so far as it modifies section 30 of the Act of 1880 shall cease to have effect.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.