

CHAPTER cxlvii.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Accrington Bognor Regis and Newton Abbot. A.D. 1930.

[1st August 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 (Accrington Bognor Regis and Newton Abbot) Act 1930. Short title.

A.D. 1930.

SCHEDULE.

BOROUGH OF ACCRINGTON.

Accrington Order.

Provisional Order altering the Accrington Corporation Act 1905.

WHEREAS the borough of Accrington is an urban district of which the mayor aldermen and burgesses acting by the council are the local authority for the purposes of the Public Health Act 1875 and the provisions of the Accrington Corporation Act 1905 are in force in the borough;

And whereas by section 92 of the local Act of 1905 the Corporation are empowered by notice to the owner of any building to require any existing closet accommodation (other than a waste watercloset or watercloset) provided at or in connection with such building to be altered so as to be converted into a watercloset or waste watercloset and on the default of the owner to do the work specified in the notice and recover from him the expenses incurred in so doing;

And whereas the proviso to subsection (2) of that section enacts that if in any case such alteration shall be required in respect of any existing closet accommodation which shall not have been certified by the medical officer of health of the borough to be insufficient for the necessities of the inhabitants of the building or to be in such a state as to create a nuisance or to be injurious to health then the Corporation shall pay such sum towards the expenses incurred by them (not less than one-half thereof) as the Corporation may consider just and proper and by subsection (3) the Corporation are empowered to contribute towards expenses incurred in making any alteration in pursuance of the section in any case in which they may not be required to bear any part of such expense;

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

Now therefore the Minister of Health in pursuance of the powers given to him by section 303 of the Public Health Act 1875 and of 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 Accrington Order 1930 and shall come into operation on the date of the Act of Parliament confirming it.

(2) In this order "the local Act" means the Accrington Corporation Act 1905 and this order shall be construed as one with the local Act.

A.D. 1930.

Accrington Order.

2. Section 92 of the local Act shall be amended as follows :— Amendment of section 92 of local Act.

(*a*) In subsection (1) for the words "(other than a watercloset or waste watercloset)" there shall be substituted the words "(other than a fresh watercloset)" and for the words "into a watercloset or waste watercloset" there shall be substituted the words "into a fresh watercloset";

(*b*) In the proviso to subsection (2) for the words "(not less than one-half thereof)" there shall be substituted the words "(in the case of an alteration of a waste watercloset which has not been converted from other existing closet accommodation since the thirtieth day of June nineteen hundred and five not less than one-third thereof and in the case of an alteration of any other existing closet accommodation not less than one-half thereof)";

(*c*) At the end of subsection (3) the following words shall be added :—

"or in making any like alteration without the issue of a notice by the Corporation under this section";

(*d*) After subsection (4) the following subsection shall be added :—

"(5) Where the Corporation have incurred expenses under this section for the repayment of which the owner of the building is liable the Corporation may allow the owner to repay such expenses together with interest thereon at a rate not exceeding five per cent. per annum by half-yearly instalments spread over a period of not more than ten years and any instalment and the interest shall thereupon be recoverable by the Corporation as and when the instalment or the interest becomes due from the owner."

A.D. 1930.

URBAN DISTRICT OF BOGNOR REGIS.

Bognor Regis Water Order.

Provisional Order altering certain local Acts.

WHEREAS the urban district council of Bognor Regis are the local authority within the meaning of the Public Health Act 1875 for the urban district of Bognor Regis and by the Bognor Urban District Council Act 1928 were empowered to purchase and carry on the undertaking of the Bognor Water Company under the Bognor Water Act 1891 and to supply water within the area prescribed as the limits for the supply of water by section 5 of the Act of 1928 and those limits were extended by the Bognor (Water) Order 1929 which was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 9) Act 1929;

And whereas the council have applied to the Minister of Health for the issue of a provisional order to alter or amend the local Act of 1928 and the Bognor Water Act 1891 in the manner following :

Now therefore the Minister of Health in pursuance of the powers given to him by section 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. This order may be cited as the Bognor Regis Water Order 1930 and shall come into operation on the date of the Act of Parliament confirming it.

Interpretation.

2. In this order—

"the Act of 1928" means the Bognor Urban District Council Act 1928;

"the Council" means the urban district council of Bognor Regis;

"the deposited plan" means the plan which was deposited in the office of the Minister on the seventh day of May nineteen hundred and thirty and of which duplicates were on the same day deposited in the office of the Clerk of Parliaments House of Lords and the Committee and Private Bill Office of the House of Commons;

"the existing Acts and Order" means the Bognor Water Act 1891 the Act of 1928 and the Bognor (Water) Order 1929;

"the Minister" means the Minister of Health;

"the Slindon Company" means the Slindon Waterworks Company Limited and their successors in title;

"the Slindon Waterworks" means the pumping station situate in the parish of Slindon the rural district of Westhampnett and the administrative county of West Sussex which is coloured pink on the deposited plan and the wells boreholes and adits connected therewith and the reservoirs mains pipes and works of the Slindon Company and the respective sites of the pumping station reservoirs and works.

Extension of water limits.

3. The limits for the supply of water by the Council shall be extended so as to include the parish of Binsted in the rural district of Westhampnett and administrative county of West Sussex and all the provisions of the existing Acts and Order with respect to the supply of water and otherwise with respect to the water undertaking of the Council shall apply and have effect within the water limits of the Council as extended by this order subject to such modifications as may be necessary.

Power to purchase Slindon Waterworks.

4.—(1) The Council may by agreement with the Slindon Company purchase the Slindon Waterworks or any part thereof upon such terms and conditions as may be agreed between the Council and the Slindon Company and approved by the Minister.

(2) After the completion of the purchase by the Council of the Slindon Waterworks or any part thereof—

(*a*) the Council may maintain hold and use and from time to time alter enlarge renew and improve the hereditaments so purchased for the purposes of their water undertaking;

(*b*) the Council may pump collect divert take and use all or any of the waters which will or may be taken or intercepted by the pumping station or any of the wells boreholes or adits connected therewith so purchased by the Council; and

(*c*) the provisions of the existing Acts and Order shall apply to the Slindon Waterworks or part thereof so purchased in all respects as if the same had been constructed or laid down under the authority of the existing Acts and Order.

Power to construct reservoir.

5. The Council upon the lands in the parish of Slindon rural district of Westhampnett and administrative county of West Sussex which are hatched in purple on the deposited plan so long as they own those lands may construct maintain alter enlarge extend improve and renew a reservoir and do all such acts as

A.D. 1930.

may be proper for storing water obtained by means of their existing works and of the Slindon Waterworks.

Bognor Regis Water Order.

Dates for payment and recovery of water rates.

6.—(1) Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Council may demand all rates rents and charges payable to them for the supply of water by half-yearly instalments in advance on the first day of April and the first day of October in each year :

Provided that no such rate rent or charge shall be recoverable by the Council until the expiration of two months after the date of demand.

(2) Upon the thirty-first day of March nineteen hundred and thirty-one section 25 of the Act of 1928 shall be repealed without prejudice nevertheless to the recovery by the Council of any rate rent or charge which may on that day be outstanding.

Borrowing power

7. The purposes of this order shall be deemed to be purposes of the Act of 1928 for which the Council with the consent of the Minister may borrow money under subsection (2) of section 118 of that Act and the provisions of Part IX of the Act shall apply accordingly.

Inquiries by Minister.

8. Section 171 of the Act of 1928 which relates to inquiries by the Minister shall extend to any inquiry directed by the Minister for the purposes of this order.

URBAN DISTRICT OF NEWTON ABBOT.

Newton Abbot Order.

Provisional Order partially repealing and amending a local Act and provisional orders.

WHEREAS the urban district council of Newton Abbot are the local authority for the purposes of the Public Health Act 1875 for the urban district of Newton Abbot and under and subject to the provisions of the Newton Market Act 1868 as amended by the Newton Abbot Orders 1902 and 1908 which were confirmed by the Local Government Board's Provisional Order Confirmation (No. 15) Act 1902 and the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1908 the council are authorised to continue existing markets and fairs and hold new markets and fairs ;

And whereas it was provided by section 5 of the local Act of 1868 that subject to the express provisions of that Act the

A.D. 1930.

Newton Abbot Order.

Act should be executed by the local board for the district of Wolborough (who were the predecessors of the urban district council of Newton Abbot) with the powers and indemnities and according to the provisions of the Public Health Act 1848 the Local Government Act 1858 and the Acts amending them but the local Act of 1868 contained express provisions as to the acquisition of land and the borrowing of money and the provisions of the public general Acts aforesaid relating to these matters were not therefore made available for the purposes of the local Act of 1868;

And whereas the urban district council of Newton Abbot have applied to the Minister of Health for the issue of a Provisional Order partially to repeal and amend the local Act and orders above-mentioned 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 titles and commencement.

1.—(1) This order may be cited as the Newton Abbot Order 1930 and the Newton Abbot Orders 1902 and 1908 and this order may be cited together as the Newton Abbot Orders 1902 to 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 commencement of this order" means the day on which this order comes into operation;

"the Council" means the urban district council of Newton Abbot;

"the local Act" means the Newton Market Act 1868;

"the Minister" means the Minister of Health.

Public Health Act 1875 to apply to markets.

3. Subject to the provisions of this order and to the unrepealed provisions of the local Act and the Newton Abbot Orders 1902 and 1908 the markets of the Council shall be deemed to have been established and provided and to be held under the Public Health Act 1875.

Restriction of incorporation of certain Acts with local Act.

4. The Lands Clauses Acts and the Markets and Fairs Clauses Act 1847 shall cease to be incorporated with the local Act for any purpose of the local Act except fairs and accordingly in section 2 of the local Act the words "of fairs" shall be inserted after the word "purposes."

Newton Abbot Order.

Separate markets and fairs account.

5. In section 26 of the local Act (which requires a separate account to be kept) for the words "under this Act to be called the Markets Account" the words "in respect of markets and fairs to be called the markets and fairs account" shall be substituted.

Power of borrowing under order of 1902 to cease to extend to markets.

6. The power of borrowing money for the purposes of markets and fairs which was conferred by article 7 of the Newton Abbot Order 1902 shall in so far as that power has not been exercised before the commencement of this order cease to extend to the purposes of markets.

Inquiries and expenses.

7.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary for the purposes of this order and those inspectors shall for the purposes of any inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) Where the Minister causes any such inquiry as aforesaid to be held the costs incurred by him in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as the Minister may determine for the services of any inspector or officer of the Minister engaged in the inquiry) shall be paid by the Council and the Minister may certify the amount of the costs so incurred and any sum so certified and directed by him to be paid by the Council shall be a debt due to the Crown from the Council.

Saving for provisions as to fairs in Newton Abbot Order 1902.

8. Nothing in this order shall affect those provisions of the Newton Abbot Order 1902 which relate to fairs.

Repeal.

9.—(1) As from the commencement of this order the local Act and the order mentioned in the schedule to this order shall be repealed to the extent specified in the second column of that schedule.

(2) As from the date on which the first table of stallages rents and tolls is sanctioned after the commencement of this order by the Minister paragraph (2) of section 7 of the local Act and the second schedule to the local Act shall be repealed.

SCHEDULE.

PROVISIONS REPEALED AS FROM THE COMMENCEMENT OF THIS ORDER.

Local Act or Order.	Provisions repealed.
The Newton Market Act 1868. (31 & 32 Vict. c. lxxv.)	Section 4 section 5 except as to fairs section 6 paragraph (1) and paragraphs (3) to (5) of section 7 except so far as they relate to fairs section 9 in section 11 the words "market and" sections 15 to 18 sections 22 and 23 except so far as they relate to fairs section 24 section 38 section 49 and the first schedule.
The Newton Abbot Order 1902 which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 15) Act 1902. (2 Edw 7. c. lxxxvii).	Paragraph (2) of article 2; and article 7 in so far as the power of borrowing for the purposes of markets thereby conferred has not been exercised before the commencement of this order.

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.