CHAPTER xcii.

An Act to confirm certain Provisional Orders of the Minister of Health relating to the Fylde Water Board and Oldham and Rochdale. A.D. 1930.

[4th June 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 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 (Fylde Water Board Oldham and Rochdale) Act 1930. Short title.

[*Price 4d. Net.*]

A.D. 1930.

SCHEDULE.

FYLDE WATER BOARD.

Fylde Water (Road Works) Order.

Provisional Order partially repealing and amending certain local Acts.

WHEREAS by the Fylde Waterworks (Transfer) Act 1897 the Fylde Water Board were established for the supply of water within the limits in the county palatine of Lancaster therein prescribed;

And whereas in the construction and enlargement of the Stocks reservoir in the rural district of Bowland in the West Riding of Yorkshire the Water Board were authorised by section 4 of the Fylde Water Board Act 1912 to make and maintain a diversion (called Work No. 17) of the road from Bentham to Clitheroe commencing in the township of Bowland Forest (High) and terminating in the township of Easington and by subsection (1) of section 14 of the Fylde Water Board Act 1925 a raising and extension (called Work No. 2) of that road diversion;

And whereas by subsection (1) of section 16 of the local Act of 1912 the Water Board were authorised to stop up (inter alia) so much of the existing road from Bentham to Clitheroe situate in the township of Bowland Forest (High) as lay between the points of commencement and termination of the road diversion (Work No. 17) by that Act authorised and by the provisos to that subsection it was enacted that the Water Board should not so stop up those portions of the roads described in the subsection until the road diversions authorised by the Act should respectively be completed to the satisfaction of the road authority and opened for public use or in case of difference between the Water Board and the road authority until two justices had certified that the respective road diversions had been completed to their satisfaction and were open for public use and that before applying to the justices for their certificate the Water Board should give to the road authority seven days' notice in writing;

And whereas the powers of section 16 of the local Act of 1912 were applied by section 18 of the local Act of 1925 to Work No. 2 authorised by that Act;

SCHEDULES.

FIRST SCHEDULE.

Fylde Water (Road Works) Order.

Stamp

Two pounds ten shillings.

THIS AGREEMENT is made the third day of March one thousand nine hundred and thirty between THE FYLDE WATER BOARD whose Head Office is situate at Blackpool in the County of Lancaster (hereinafter called "the Board") of the first part THE RURAL DISTRICT COUNCIL OF BOWLAND in the County of York (hereinafter called "the District Council") of the second part and THE WEST RIDING OF YORKSHIRE COUNTY COUNCIL (hereinafter called "the County Council") of the third part WHEREAS:—

(1) By virtue of the Fylde Water Board Act 1912 the Board were authorised to make a diversion of the road from Bentham to Clitheroe commencing in the township of Bowland Forest (High) and terminating in the township of Easington and were empowered to stop up so much of the said road as lies between the points of commencement and termination of such road diversion Provided however that the Board should not stop up the portion of the said road until such road diversion was completed and open to public use.

(2) By the Fylde Water Board Act 1925 the Board were empowered to make a raising and extension of the said road diversion (hereinafter called "Work No. 2").

(3) The Board have applied to the Minister of Health for the issue of a provisional order to partially repeal alter or amend the Fylde Water Board Acts of 1912 and 1925 so as to empower the Board to stop up so much of the said road from Bentham to Clitheroe as lies between the points of commencement and termination of Work No. 2 without completing and opening for public use the said road diversion and to relieve the Board from any obligation to construct the said road diversion.

(4) The District Council and the County Council have agreed not to oppose the said application subject as hereinafter appears.

Now it is hereby agreed by and between the said parties as follows:—

(i) The District Council and the County Council shall not offer any opposition to the granting by the Minister of Health to the Board of a provisional order for the purposes hereinbefore recited.

A.D. 1930.

Fylde Water (Road Works) Order.

(ii) The Board shall pay to the County Council within one month after the passing of the Act confirming the said provisional order the sum of two thousand pounds to be expended on the reconstruction and/or repair of the Slaidburn to Bentham Road in the Bowland Rural District.

(iii) The Board at their sole cost and expense shall construct the road diversion (Work No. 3) specified in section 14 of the Fylde Water Board Act 1925 as follows :—

(*a*) The road shall be 25 feet between fences.

(*b*) A metalled carriageway 15 feet wide shall be constructed in accordance with the plan and specification agreed between the engineer of the Board and the surveyor of the County Council and signed by them.

(*c*) In lieu of a bridge 13 feet wide as originally proposed an embankment shall be constructed to carry the said road 25 feet in width (metalled 15 feet in width) The culvert through such embankment shall be constructed and at all times maintained by and at the expense of the Board to the satisfaction of the surveyor of the County Council.

(*d*) If the County Council shall at any time decide to widen the portion of the Clapham to Clitheroe road now being or to be constructed by the Board (being Work No. 3 specified in section 14 of the Fylde Water Board Act 1925) the Board shall give free of cost to the County Council the land for widening the said road to such width as the County Council may decide.

(*e*) The Board shall forthwith upon the passing of the Act confirming. the said provisional order apply to the highway authority concerned for the stopping up of the highway between the western extremity of Work No. 2 and the point where the said highway joins the road between Bentham and Slaidburn (which length of highway is shown as coloured red on the plan annexed hereto) and shall pay to the highway authority all costs charges and expenses incurred by them in obtaining the requisite order of quarter sessions In the event of an order for the stopping up of the said highway being refused the Board hereby undertake that neither they nor their tenants will hereafter call upon the County Council or any other body or person who may be the highway authority to expend any money on the upkeep or maintenance of the said highway.

In witness whereof the said parties hereto have caused their respective common seals to be hereunto affixed the day and year first before written.

A.D. 1930.

Fylde Water (Road Works) Order.

And whereas the Fylde Water Board have applied to the Minister of Health for the issue of a provisional order to repeal in part and amend the local Acts of 1912 and 1925 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 Fylde Water (Road Works) Order 1930 and shall come into operation on the date of the Act of Parliament confirming it.

Interpretation.

2. In this order—

"The County Council" means the County Council of the West Riding of Yorkshire;

"The local Act of 1912" means the Fylde Water Board Act 1912;

"The local Act of 1925" means the Fylde Water Board Act 1925;

"The Water Board" means the Fylde Water Board.

Repeal and amendment of provisions of local Acts relating to a certain road diversion.

3.—(1) The local Act of 1912 in so far as it relates to the work of road diversion (Work No. 17) authorised by section 4 of that Act and the local Act of 1925 in so far as it relates to the work of raising and extending that road diversion (Work No. 2) authorised by section 14 of that Act are hereby repealed.

(2) So far as they relate to the stopping up of so much of the existing road from Bentham to Clitheroe situate in the township of Bowland Forest (High) as lies between the points of commencement and termination of the road diversion (Work No. 17) authorised by section 4 of the local Act of 1912 and to the raising and extension of that diversion (Work No. 2) authorised by section 14 of the local Act of 1925 the provisos to subsection (1) of section 16 of the local Act of 1912 shall cease to have effect.

(3) Subsection (3) of section 16 of the local Act of 1912 (which relates to the extinguishment of rights of way and the appropriation and use by the Water Board of the site of any portion of a road or footpath which is stopped up) shall in relation to that portion of the existing road from Bentham to Clitheroe which is referred to in paragraph (2) of this article have effect as from the stopping up of that portion of the road instead of as from the time mentioned in the said subsection (3).

Fylde Water (Road Works) Order.

For protection of County Council and Bowland rural district council.

4. Whereas the County Council and the rural district council of Bowland have executed the agreement with the Water Board which is set out in the first schedule to this order whereby opposition will not be offered by those councils to the foregoing provisions of this order upon the condition that a sum of two thousand pounds shall be paid by the Water Board to the County Council to be expended on the reconstruction and repair of the road from Slaidburn to Bentham which passes to the west of the Stocks reservoir and that the further terms and conditions of the agreement are given effect to by the Board:

Now therefore the following provisions shall have effect:—

(1) Within three months after the passing of the Act for the confirmation of this order the Water Board shall pay to the County Council the sum of two thousand pounds and that sum shall be expended on the reconstruction and repair of the aforesaid road between Slaidburn and Bentham;

(2) The Water Board shall otherwise carry into effect the terms and conditions of the scheduled agreement;

(3) The payment to the County Council of the sum of two thousand pounds shall be a purpose for which the Water Board may borrow money at interest and may mortgage or charge the revenues of the Water Board and the Water Board shall pay off the moneys so borrowed within sixty years from the date or dates of borrowing;

(4) The provisions of the Fylde Waterworks (Transfer) Act 1897 and of the Fylde Water Board Act 1925 which are mentioned in the second schedule to this order shall with the necessary modifications apply to moneys borrowed under this article.

A.D. 1930.

Fylde Water (Road Works) Order.

The common seal of the Fylde Water Board was hereunto duly affixed in the presence of
G. M. ROBERTSON Chairman
JNO. HALL Clerk and solicitor.

L.S.

The common seal of the rural district council of Bowland was hereunto affixed pursuant to a resolution of the Council on the third day of March 1930 in the presence of
ROBT. HITCHEN Chairman.
THOMAS J. BACKHOUSE Clerk.

L.S.

Sealed with the common seal of the County Council pursuant to resolution of the West Riding Highways Committee of the twenty-fifth day of November 1929 in the presence of
A. K. BLACKBURN the member of the said County Council having the custody of the key of the said seal.
REGINALD C. JONES Deputy clerk of the County Council.

L.S.

SECOND SCHEDULE.

PROVISIONS OF THE FYLDE WATERWORKS (TRANSFER) ACT 1897 AND OF THE FYLDE WATER BOARD ACT 1925 WHICH ARE APPLIED BY THIS ORDER.

The Fylde Waterworks (Transfer) Act 1897 (60 & 61 *Vict. c. ccxxxi*).

Provision.	Subject-matter.
Section 51	Provisions of Public Health Act as to mortgages to apply.
Section 53	Mode of payment off of money borrowed.
Section 55	Protection of lender from inquiry.
Section 56	Water Board not to regard trusts.
Section 57	Appointment of receiver.
Section 60	Application of money borrowed.

The Fylde Water Board Act 1925 (15 & 16 *Geo.* 5. *c. lv*).

Provision.	Subject-matter.
Section 38	Mode of raising money.

A.D. 1930.

COUNTY BOROUGHS OF OLDHAM AND ROCHDALE.

Oldham and Rochdale Order.

Provisional Order amending a local Act.

WHEREAS by the Oldham and Rochdale Corporations Water Act 1923 certain waterworks rights and powers of the Rochdale Canal Company were transferred to the mayor aldermen and burgesses of the Borough of Oldham and the mayor aldermen and burgesses of the Borough of Rochdale (in this Order referred to as "the two Corporations") and the two Corporations were empowered to construct certain waterworks;

And whereas by section 59 of that Act it is provided that all expenditure which may be incurred in respect of certain of such works rights and powers shall be paid by the two Corporations in the proportions therein mentioned;

And whereas the two Corporations have applied to the Minister of Health for the issue of a provisional order to amend the local Act in 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 Oldham and Rochdale Order 1930 and shall come into operation on the date of the Act of Parliament confirming it.

Amendment of local Act.

2. Section 59 of the Oldham and Rochdale Corporations Water Act 1923 shall be amended by the insertion after the word "paid" of the words "unless the two Corporations as respects any particular work shall otherwise agree."

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