

CHAPTER xxviii.

Am Act to confirm certain Provisional Orders of a.d. 1927. the Minister of Health relating to Bury and District Joint Water Board Chorley Kingstonupon-Thames Lancaster Shrewsbury and West Kent Joint Hospital District.

[29th June 1927.]

WHEREAS the Minister of Health has made the Provisional Orders set forth in the schedule hereto under the provisions of the Public Health Act 38 & 39 1875:

Vict. c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament:

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 set out in the schedule hereto shall be Orders in and the same are hereby confirmed and all the provisions schedule confirmed. thereof shall have full validity and force.
- 2. This Act may be cited as the Ministry of Health Short title. Provisional Orders Confirmation (No. 2) Act 1927.

A.D. 1927.

SCHEDULE.

DISTRICT OF THE BURY AND DISTRICT JOINT WATER BOARD.

Bury and
District
Order.

Provisional Order for altering and amending the Bury and District Joint Water Board Act 1903.

WHEREAS by the Bury and District Joint Water Board Act 1903 (hereinafter referred to as "the Act of 1903") and certain other Local Acts the Bury and District Joint Water Board (hereinafter referred to as "the Joint Board") are authorised to supply water within certain limits;

And whereas by Section 24 of the Act of 1903 the Joint Board are authorised to purchase by agreement any lands required for the purposes of their water undertaking not exceeding fifty acres;

And whereas under paragraph (3) of Section 53 of the Act of 1903 the Joint Board are authorised to borrow certain moneys for the purchase of lands for and the execution of the works by that Act authorised and under paragraph (7) of the same section the Joint Board may with the approval of the Minister of Health borrow such further sums as may be required for any of the purposes of the water undertaking;

And whereas the Joint Board have purchased land in excess of the amount authorised by the said Section 24 and have borrowed certain moneys under paragraph (3) of Section 53 which were required for the general purposes of the water undertaking and not for the purposes mentioned in that paragraph;

And whereas by Section 43 of the Bury and District Water (Transfer) Act 1900 it is provided that Section 303 of the Public Health Act 1875 shall apply to the Joint Board as if they were a local authority within the meaning of that section;

And whereas the Joint Board have made application to the Minister of Health for the issue of a Provisional Order to alter or amend the Act of 1903 in the manner hereinafter set forth:

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 that from and after the date of the Act of Parliament

confirming this Order the Act of 1903 shall be altered and amended so that the following provisions shall take effect that is to say:—

A.D. 1927.

Bury and District Order.Power to purchase

lands by

agreement.

1. Notwithstanding the provisions of Section 24 of the Act of 1903 the Joint Board may by agreement and with the consent of the Minister of Health purchase take on lease acquire and hold any lands which may from time to time be required for the purposes of their water undertaking and such additional lands as have already been purchased in excess of the fifty acres authorised to be purchased by the said Section shall be deemed to have been acquired under the powers conferred by this Article.

2. The Joint Board shall not construct any works for taking Limiting or intercepting water from any lands acquired by them in pur- power to suance of Article 1 of this Order unless the works are authorised abstract by and the lands upon which the same are to be constructed are specified in an Act of Parliament or a Provisional Order confirmed by Parliament.

3. Notwithstanding the provisions of Section 53 of the Act Borrowing of 1903 the before-mentioned loans amounting to £49,658 0s. 6d. powers. which the Joint Board purported to raise for general waterworks purposes under paragraph (3) of the said Section shall be deemed to have been raised with the approval of the Minister of Health under paragraph (7) of the said Section and such loans shall be repaid within a period of thirty years from the date of borrowing which period shall be deemed the prescribed period for the purposes of the Act of 1903 and this Order.

4. The above-mentioned loans shall be repaid by means of Repayment the sinking fund already established for that purpose within the of loans. prescribed period and the yearly sums to be paid into such fund after the date of the confirmation of this Order shall be calculated in accordance with the provisions of subsection (3) of Section 62 of the Act of 1903 references therein to sums transferred to the fund being read as references to the sums forming part of the sinking fund on the said date.

- 5.—(1) Section 74 (Inquiries by Local Government Board) Alteration of the Act of 1903 shall be read and have effect as if the Minister of Section 74 of Health were referred to therein in lieu of the Local Government of Act of Board and as if the words "not exceeding five guineas a day" were inserted therein in lieu of the words "not exceeding three guineas a day."
- (2) The said Section as so amended shall apply to any inquiry held by the Minister of Health or his officers for the purposes of this Order as if such inquiry related to the exercise of powers conferred by the Act of 1903.

A.D. 1927.

6. This Order may be cited as the Bury and District Joint Water Order 1927.

Bury and
District
Order.
Short title.

Given under the Official Seal of the Minister of Health this Twenty-first day of February One thousand nine hundred and twenty-seven.

(L.S.)

E. H. Rhodes Assistant Secretary Ministry of Health.

BOROUGH OF CHORLEY.

Chorley Order.

 $Provisional\ Order\ for\ partially\ repealing\ certain\ Local\ Acts.$

WHEREAS the Borough of Chorley (hereinafter referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (hereinafter referred to as "the Corporation") are the local authority for the purposes of the Public Health Act 1875 and there are in force in the Borough the unrepealed provisions of the Chorley Improvement Act 1853 and the Chorley Improvement Act 1871 (hereinafter referred to collectively as "the Local Acts" and separately as the Acts of the year in which they were passed);

And whereas the Corporation propose to make new byelaws with respect to new streets and buildings the subject-matter of which will be cognate to the subject-matter of certain of the provisions of the Local Acts;

And whereas certain other of the said incorporated provisions are no longer required by reason of the corresponding provisions of the Public Health Acts 1875.to 1925;

And whereas the Corporation have accordingly made application to the Minister of Health for the issue of a Provisional Order partially to repeal the Local Acts in the manner hereinafter set forth:

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 any other powers in that behalf hereby orders as follows:—

Repeal of sections of Local Acts. 1. As from the date of the Act of Parliament confirming this Order the provisions of the Local Acts specified in the Schedule to this Order shall be repealed.

Short title.

2. This Order may be cited as the Chorley Order 1927.

SCHEDULE.

A.D. 1927.

Chorley Order.

Local Acts.

Sections repealed.

- The Act of 1853 Section 27 so far as it incorporates Section 33 of the Towns Improvement Clauses Act 1847 with respect to sewers.
 - Section 30 which incorporates Sections 35 to 46 of the Towns Improvement Clauses Act 1847 with respect to the drainage of houses.
 - Section 36 so far as it incorporates Sections 57 to 60 and Section 63 of the Towns Improvement Clauses Act 1847 with respect to laying out new streets.
 - Section 39 so far as it incorporates so much of Sections 84 to 86 of the Towns Improvement Clauses Act 1847 as relates to procedure consequent upon the fixing of the level of new streets.
 - Section 50 which incorporates Section 109 of the Towns Improvement Clauses Act 1847 with respect to the construction of houses for prevention of fire.
 - Section 52 which incorporates Sections 110 to 115 of the Towns Improvement Clauses Act 1847 with respect to supplying buildings with fresh air.
- The Act of 1871 Section 3 so far as it may be deemed to incorporate any of the above-mentioned provisions of the Towns Improvement Clauses Act 1847.
 - Sections 113 to 121 inclusive Sections 124 to 126 inclusive and Section 129 with respect to buildings drainage and ventilation.
 - Given under the Official Seal of the Minister of Health this Seventh day of March One thousand nine hundred and twenty-seven.
 - (L.S.)

 L. G. Brock

 Assistant Secretary Ministry of Health

A.D. 1927. BOROUGH OF KINGSTON-UPON-THAMES.

Kingstonupon-Thames Order. Provisional Order for partially repealing a Local Act.

WHEREAS the Borough of Kingston-upon-Thames (hereinafter referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (hereinafter referred to as "the Corporation") are the local authority for the purposes of the Public Health Act 1875 and there are in force in the Borough the unrepealed provisions of the Kingston-upon-Thames Improvement Act 1855 (hereinafter referred to as "the Local Act");

And whereas the Corporation propose to make new byelaws with respect to new streets and buildings the subject-matter of which will be cognate to the subject-matter of certain of the provisions of the Local Act;

And whereas the Corporation have accordingly made application to the Minister of Health for the issue of a Provisional Order partially to repeal the Local Act in the manner hereinafter set forth:

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 any other powers in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect that is to say:—

Partial repeal of Local Act.

1.—(1) Section XLII. of the Local Act shall be repealed in so far as it incorporates the following provisions of the Towns Improvement Clauses Act 1847:—

Section 33 (All sewers &c. to be covered with traps).

Sections 35 to 43 inclusive (with respect to the drainage of houses);

Sections 57 to 60 inclusive (with respect to laying out new streets);

Section 63 (As to the width of new streets);

Sections 84 to 86 inclusive (with respect to objections to works);

Section 109 (Party walls of new buildings to be carried up through the roof);

Sections 110 to 112 inclusive (with respect to supplying buildings with fresh air).

(2) Section L. (As to levels of ground floors) of the Local Act shall be repealed.

2. This Order may be cited as the Kingston-upon-Thames A.D. 1927. Order 1927.

Given under the Official Seal of the Minister of Health this Twenty-third day of February One thousand nine hundred and twenty-seven.

Kingstonupon-Thames
Order.
Short title.

(L.s.)

R. B. Cross

Assistant Secretary Ministry of Health.

BOROUGH OF LANCASTER.

Provisional Order for altering the Lancaster Corporation Act 1918.

Lancaster Order.

WHEREAS the Borough of Lancaster (hereinafter referred to as "the Borough") is an Urban District of which the Mayor Aldermen and Burgesses acting by the Council (hereinafter referred to as "the Corporation") are the Local Authority for the purposes of the Public Health Act 1875 and the unrepealed provisions of the Lancaster Corporation Act 1918 (hereinafter referred to as "the Local Act") are in force in the Borough;

And whereas in pursuance of the provisions of Part II. of the Local Act the Corporation have acquired certain lands situate on the east side of Cheapside in the Borough for the purposes of the street improvement described as Work No. 2 in subsection (2) of Section 41 of the Local Act and parts of the said lands are not required by the Corporation for such purposes;

And whereas by Section 14 of the Local Act the Corporation are empowered to retain hold and use or to sell lease or otherwise dispose of in such manner and for such consideration and purpose as they shall think fit any lands acquired by them under that Act or any other local Act for the time being in force in the Borough;

And whereas the Corporation have made application to the Minister of Health for the issue of a Provisional Order to alter or amend the Local Act in the manner hereinafter set forth:

Now therefore the Minister of Health in pursuance of the powers given to him by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the Local Act shall be amended as follows:—

1.—(1) The Corporation may lay out and develop any lands Power to acquired by them for the purposes of the street improvement develop lands &c.

Laneasten Onder.

A.D. 1927. described as Work No. 2 in subsection (2) of Section 41 of the Local Act and not required for those purposes or (with the consent of the Minister of Health) any other lands acquired by the Corporation for purposes of street improvement under any Act or Order and not required for the purposes for which they were acquired and may thereon erect and maintain shops offices warehouses and other like buildings and may sell lease exchange or otherwise dispose of any such shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

> (2) Section 14 of the Local Act shall apply to any such lands as aforesaid notwithstanding that such lands were not acquired by the Corporation under the provisions of that Act or a local Act:

> Provided that the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

Borrowing powers.

2. The purposes of this Order shall be deemed to be purposes of the Local Act for which the Corporation with the consent of the Minister of Health may borrow money under subsection (2) of Section 56 of that Act.

Inquiries and expenses.

- 3.—(1) Section 96 of the Local Act shall be repealed so far as it relates to the application of Section 109 (Inquiries by Local Government Board) of the Lancaster Corporation Act 1900 to the purposes of the Local Act.
- (2) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary with reference to the purposes of this Order and of the Local Act and such inspectors shall for the purposes of any inquiry have all such powers as they have for the purpose of inquiries directed by the Minister under the Public Health Act 1875.
- (3) Where the Minister of Health causes any such inquiry to be held with reference to any of the purposes of this Order or of the Local Act the costs incurred by the Minister in relation to that inquiry (including such 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 Corporation and the Minister may certify the amount of the costs so incurred and any sum so certified and directed by the Minister to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

4. This Order may be cited as the Lancaster Order 1927.

A.D. 1927.

Given under the Official Seal of the Minister of Health this Eighteenth day of February One thousand nine hundred and twenty-seven.

Lancaster Order.
Short title.

(L,S,)

H. W. S. Francis Assistant Secretary Ministry of Health.

BOROUGH OF SHREWSBURY.

Provisional Order for altering and amending certain $Local\ Acts.$

Shrewsbury (Markets and Slaughterhouses) Order.

WHEREAS the Borough of Shrewsbury (hereinafter referred to as "the Borough") is an urban district of which the Mayor Aldermen and Burgesses acting by the Council (hereinafter referred to as "the Corporation") are the Local Authority for the purposes of the Public Health Act 1875;

And whereas by the Shrewsbury Cattle Market Act 1847 (hereinafter referred to as "the Act of 1847") the Corporation were empowered to construct a market place for the sale of cattle and other animals and slaughter-houses within the Borough;

And whereas by the Shrewsbury Improvement Act 1855 (hereinafter referred to as "the Act of 1855") the Corporation were authorised to provide a general market for the sale of corn butter cheese and other articles mentioned therein and to construct a market place and to borrow money for the provision of the same;

And whereas by Section 16 of the Act of 1847 as amended by Section 88 of the Act of 1855 the Corporation were authorised to borrow certain sums of money for the purposes of the said cattle market and slaughter-houses but such borrowing powers have already been exhausted;

And whereas by Section 92 of the Act of 1855 the Corporation were authorised to borrow moneys for the purpose of providing a site and buildings for the said general market;

And whereas doubts have arisen as to whether the said Acts authorise the expenditure of money on the alteration and improvement of the said markets and the borrowing of moneys for those purposes;

And whereas the Corporation have made application to the Minister of Health for the issue of a Provisional Order to alter or amend the Acts of 1847 and 1855 in the manner hereinafter set forth:

A.D. 1927.

Shrewsbury (Markets and Slaughterhouses) Order. 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 any other power in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the Acts of 1847 and 1855 shall be altered and amended so that the following provisions shall take effect that is to say:—

Short title.

1. This Order may be cited as the Shrewsbury (Markets and Slaughter-houses) Order 1927.

Power to maintain and improve markets and slaughter-houses.

2. The provisions of the Acts of 1847 and 1855 enabling the Corporation to construct slaughter-houses and market places for the purpose of their cattle and general markets shall be deemed to include authority to carry out any such works of maintenance repair alteration or improvement of such market places and slaughter-houses and the market houses or other buildings used in connection therewith as the Corporation may from time to time determine.

Additional borrowing powers for markets and slaughter-houses.

3. The Corporation may borrow on the security of the borough fund and the borough rate of the Borough (a) the sum of four thousand five hundred pounds for the purpose of improving the said cattle market and (b) with the sanction of the Minister of Health such further sums as may from time to time be required for the purposes of their cattle and general markets and slaughter-houses provided under the Acts of 1847 and 1855.

Period for repayment of borrowed moneys.

4. The said sum of four thousand five hundred pounds authorised to be borrowed by Article 2 of this Order shall be repaid within a period of twenty years from the date of borrowing and any other moneys borrowed under that Article shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Minister of Health may determine and such periods shall with reference to the repayment of those moneys be the prescribed periods for the purposes of the Local Loans Act 1875 and the provisions applied by the following Article of this Order.

Application of provisions of Shrewsbury Corporation Act 1909.

5. The provisions of the Shrewsbury Corporation Act 1909 enumerated in the Schedule to this Order shall apply as if those provisions were herein re-enacted and in terms made applicable to the moneys borrowed under this Order and otherwise to the purposes of this Order.

Return to Minister of Health with respect to repayment of debt.

- 6.—(1) The Town Clerk of the Borough shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under the authority of this Order.
- (2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and

shall if so required by him be verified by statutory declaration of the Borough Treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the Town Clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

A.D. 1927.

Shrewsbury (Markets and Slaughterhouses) Order.

- (3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by Order direct that the sum in such Order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.
- 7.—(1) The Minister of Health may direct any inquiries to Inquiries he held by his inspectors which he may deem necessary with and reference to the purposes of this Order and such inspectors shall expenses. for the purposes of any inquiry have all 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 to be held the costs incurred by the Minister in relation to that inquiry (including such 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 Corporation and the Minister may certify the amount of the costs. so incurred and any sum so certified and directed by the Minister to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

A.D. 1927.

Shrewsbury (Markets and Slaughterhouses) Order.

THE SCHEDULE.

PROVISIONS OF THE SHREWSBURY CORPORATION ACT 1909 APPLIED BY THIS ORDER.

Section 59 (Provisions as to mortgages).

Section 61 (Mode of payment off of money borrowed).

Section 62 (Sinking fund).

Section 63 (Protection of lender from inquiry).

Section 64 (Corporation not to regard trusts).

Section 66 (Appointment of receiver).

Section 67 (Power to re-borrow).

Section 68 (Power to borrow under Local Loans Act 1875).

Section 71 (Application of money borrowed).

Given under the Official Seal of the Minister of Health this Second day of March One thousand nine hundred and twenty-seven.

(L.S.)

E. TUDOR OWEN Assistant Secretary Ministry of Health.

JOINT HOSPITAL DISTRICT.

Order.

West Kent Provisional Order for altering certain Confirmation Acts.

WHEREAS by virtue of the Bromley and Beckenham Joint Hospital Orders 1881 and 1896 (which Orders are hereinafter referred to as "the Orders of 1881 and 1896") duly confirmed by Parliament as adapted by two Orders made by the Local Government Board and dated the 14th day of January 1901 and the 16th day of August 1902 respectively (which Orders are hereinafter referred to as "the Adapting Orders of 1901 and 1902") the Borough of Bromley the Urban Districts of Beckenham Chislehurst and Sideup and the Rural District of Bromley constitute a United District called the Bromley and Beckenham Joint Hospital District (hereinafter referred to as "the United District") of which the governing body is the Bromley and Beckenham Joint Hospital Board (hereinafter referred to as "the Joint Board");

And whereas by virtue of the Orders of 1881 and 1896 as adapted as aforesaid the Joint Board consists of five ex-officio members and of six elective members elected by the Councils of

certain of the above-named Borough and Urban and Rural A.D. 1927. Districts;

West Kent

Order.

And whereas it is expedient that the Orders of 1881 and 1896 should be further altered as hereinafter provided:

Now therefore the Minister of Health in pursuance of his powers under Section 297 of the Public Health Act 1875 and of all other powers enabling him in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the Orders of 1881 and 1896 shall be further amended as follows:—

1.—(1) The Joint Board shall consist of one ex-officio Constitution member and of eleven elective members.

of Joint Board.

- (2) The ex-officio member shall be the person described in column 3 of the Schedule hereto.
- (3) An additional member shall be elected by each Constituent Authority the total number of elective members to be elected by each Authority being that set opposite to the name of that Authority in column 4 of the Schedule hereto.
- 2. The United District and the Joint Board shall hereafter Renaming be known respectively as the West Kent Joint Hospital District of United and the West Kent Joint Hospital Board.

District.

3. The Orders of 1881 and 1896 as altered by the Adapting Substitution Orders of 1901 and 1902 shall have effect as if the Schedule to of new this Order were substituted for the Schedules referred to in the Schedule. Adapting Order of 1902.

4.—(1) The provisions of Article IX. of the Order of 1881 Election of as amended by Article III. of the Order of 1896 shall apply to additional the first election by the Constituent Authorities of additional elective elective members in pursuance of this Order as if the election related to the filling of vacancies occurring at the date of the Act of Parliament confirming this Order.

members.

- (2) Each person who at the date of the confirmation of this Order represents the Urban District Council of Beckenham Chislehurst or Sidcup or the Rural District Council of Bromley as an ex-officio member of the Joint Board shall continue to be a member of the Joint Board until an additional member is elected by that Council in pursuance of this Order but any such person shall thereupon cease to be ex-officio a member of the Joint Board.
- 5. This Order may be cited as the West Kent Joint Hospital Short title. Order 1927.

A.D. 1927.

The SCHEDULE above referred to.

West Kent Order.

1.	2.	3.					4.
Constituent Districts.	Constituent Authorities.	Ex-officio Members.				Elective Members.	
		No.	Description.				No.
The Borough of Bromley.	The Mayor Aldermen and Burgesses of the Borough of Bromley acting by the	1	The	Mayor			3
The Urban Dis- trict of Beckenham.	Council. The Urban District Council of Beckenham.		-	-	•	•	3
The Urban Dis- trict of Chislehurst.	The Urban Dis- trict Council of Chislehurst.		-	- 	-	-	1
The Urban Dis- trict of	The Urban Dis- trict Council		_	- .	· ••	-	1
Sidcup. The Rural District of Bromley.	of Sidcup. The Rural District Council of Bromley.			••	•	•	3

Given under the Official Seal of the Minister of Health this Tenth day of March One thousand nine hundred and twenty-seven.

(L.S.)
H. W. S. Francis
Assistant Secretary Ministry of Health.

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