

[21 & 22 GEO. 5.] *Ministry of Health* [Ch. xxxvi.]  
*Provisional Orders Confirmation (Accrington and Leicester)*  
*Act, 1931.*



**CHAPTER xxxvi.**

An Act to confirm certain Provisional Orders of the Minister of Health relating to Accrington and Leicester. A.D. 1931.  
—  
[8th July 1931.]

**W**HEREAS 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 (Accrington and Leicester) Act 1931. Short title.

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SCHEDULE.

BOROUGH OF ACCRINGTON.

*Accrington  
Order.*

*Provisional Order amending the Accrington  
Corporation Act 1928.*

WHEREAS the borough of Accrington is an urban district of which the mayor aldermen and burgesses acting by the council (in this order called "the corporation") are the local authority for the purposes of the Public Health Act 1875 and the provisions of the Accrington Corporation Act 1928 are in force in the borough;

And whereas under subsection (1) of section 159 of the local Act the corporation are empowered to require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and it is provided by subsection (3) of that section that the provisions of subsection (1) shall not apply to any ashtubs or other receptacles for refuse in use at the passing of the local Act so long as the same are of suitable material size and construction and in proper order and condition;

And whereas the corporation have applied to the Minister of Health for the issue of a provisional order to 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  
and com-  
mencement.

1. This order may be cited as the Accrington Order 1931 and shall come into operation on the date of the Act of Parliament confirming it.

Interpreta-  
tion.

2.—(1) In this order "the local Act" means the Accrington Corporation Act 1928.

(2) This order shall be construed as one with the local Act.

Amendment  
of s. 159 of  
local Act.

3. Section 159 of the local Act shall be amended as follows:—

(a) Subsection (3) is hereby repealed.

(b) After subsection (2) the following subsections shall be added:—

"(3) Where a dustbin has been provided pursuant to this section no person shall use for the deposit of any dust ashes or other refuse or permit the use

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for that purpose of any ashpit ashtub or other receptacle in lieu of which such dustbin has been provided.

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—  
*Accrington*  
*Order.*

(4) The corporation may by notice in writing addressed to the owner of any premises in connection with which they have required or at the same time require the provision of a dustbin pursuant to this section require him within the period specified in the notice not being less than forty-two days to convert any ashpit or other like receptacle in lieu of which such dustbin has been or is required to be provided into an out-building into which the dustbin shall be placed so constructed that the dustbin may be conveniently removed therefrom for the purpose of being emptied:

Provided that if the corporation think fit they may by such a notice require the owner within the said period in lieu of converting as aforesaid to convert such ashpit or other receptacle into such other domestic out-building as may be determined by him and approved by the corporation (whose approval shall not be unreasonably withheld) or in default of such determination and approval to demolish and remove such ashpit or other receptacle.

Any notice under this subsection may require the work therein specified to be executed to the reasonable satisfaction of the corporation.

(5) Where a notice under subsection (4) of this section has been wholly or partly complied with the corporation shall pay to the owner of the premises concerned two-thirds of the cost of the work executed in accordance with the notice.

(6) If any notice under subsection (4) of this section is not complied with or is not fully complied with within the period specified in the notice the corporation may at the expiration of that period do any work required to be done by the notice which has not been done and may recover in a summary manner from the owner of the premises concerned one-third of the expenses incurred by them in so doing.

(7) Where the corporation exercise their powers under subsection (6) of this section they shall so far as reasonable and except so far as the owner of the premises concerned otherwise requires utilise in executing the work any bricks and other materials made available in the course thereof and remove from the premises and sell or use for their own

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purposes any materials not so used. In the event of any such removal of materials the value thereof shall be deducted from the amount otherwise recoverable from the owner under the said subsection (6).

(8) Where the corporation have incurred expenses under this section for the repayment of which the owner of premises is liable the corporation may allow the owner to repay such expenses together with interest thereon at a rate not exceeding five per centum per annum by half-yearly instalments spread over a period of not more than five 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."

(c) Subsections (4) (5) and (6) shall be renumbered (9) (10) and (11) respectively.

(d) In the subsection by this order renumbered (11) for the expression "subsection (4)" there shall be substituted "subsection (3) or subsection (9)."

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CITY OF LEICESTER.

*Leicester*  
*Order.*

*Provisional Order to enable the Leicester Corporation to put in force the compulsory clauses of the Lands Clauses Acts.*

WHEREAS the lord mayor aldermen and citizens of the city of Leicester acting by the council (in this order referred to as "the corporation") require to purchase and take the lands described in the schedule to this order for the purpose of providing an open bathing place in the city of Leicester in pursuance of their powers under the Baths and Washhouses Acts 1846 to 1925 and the Public Health Act 1875 :

Now therefore the Minister of Health in pursuance of the powers given to him by section 176 of the Public Health Act 1875 and of all other powers enabling him in that behalf hereby orders as follows :—

*Compulsory*  
*powers of*  
*purchase.*

1.—(1) For the purpose recited in this order the corporation may put in force with reference to the lands described in the schedule to this order (subject to the continuance of existing public rights of highway if any) all or any of the powers of the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 with respect to the purchase and taking of lands otherwise than by agreement.

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(2) The saving for water rights contained in section 332 of the Public Health Act 1875 and section 333 of that Act which relates to arbitration shall so far as those provisions may be applicable extend to any exercise by the corporation of the powers conferred by this section.

A.D. 1931.

—  
*Leicester*  
*Order.*

2.—(1) This order may be cited as the Leicester Order 1931 and shall come into operation on the date of the Act of Parliament confirming it.

Short title  
 commence-  
 ment and in-  
 terpretation.

(2) In the schedule to this order—

“ the deposited plan ” means the plan which was deposited for the purposes of this order in the office of the Minister of Health on the fifteenth day of December nineteen hundred and thirty of which duplicates were on the same day deposited in the office of the Clerk of the Parliaments House of Lords and in the committee and private bill office of the House of Commons.

**SCHEDULE.**

Parish and City of LEICESTER.

No. on the Deposited plan.	Description of property.	Owners or reputed owners.	Occupiers.
1	Land	Hawley & Johnson Ltd. (Philip Russell Wykes Secretary) 2 Woodgate Leicester	Hawley & Johnson Ltd. (Philip Russell Wykes Secretary)
2	Land over which the river Soar flows	Hawley & Johnson Ltd. (Philip Russell Wykes Secretary) and The Lord Mayor Aldermen and Citizens of the City of Leicester (H. A. Pritchard Town Clerk) (as Conservators)	Hawley & Johnson Ltd. (Philip Russell Wykes Secretary) and The Lord Mayor Aldermen and Citizens of the City of Leicester (H. A. Pritchard Town Clerk) (as Conservators)

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