

[21 & 22 GEO. 5.] *Ministry of Health* [Ch. xxxviii.]
*Provisional Orders Confirmation (Aylesbury Joint Hospital
District and Stretford and District Gas Board) Act, 1931.*



CHAPTER xxxviii.

An Act to confirm certain Provisional Orders of A.D. 1931.
the Minister of Health relating to Aylesbury
Joint Hospital District and the Stretford and
District Gas Board. [8th July 1931.]

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 (Aylesbury Joint Hospital District and Stretford and District Gas Board) Act 1931. Short title.

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SCHEDULE.

AYLESBURY JOINT HOSPITAL DISTRICT.

*Aylesbury
Order.*

*Provisional Order forming a united district under section 279
of the Public Health Act 1875.*

WHEREAS the councils of the borough and districts named in column 1 of the first schedule to this order are local authorities for the purposes of the Public Health Act 1875 and have applied to the Minister of Health for a provisional order forming a united district for the purpose of the provision maintenance and management of hospitals for the reception of cases of infectious disease other than smallpox :

Now therefore the Minister of Health in pursuance of the powers conferred by section 279 of the Public Health Act 1875 and of all other powers in that behalf hereby orders as follows viz. :—

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. This order may be cited as the Aylesbury Joint Hospital Order 1931 and shall come into operation on the day on which this order is confirmed by Act of Parliament.

Interpreta-
tion.

2.—(1) In this order unless the context otherwise requires—

“ Constituent council ” means a council named in column 2 of the first schedule to this order ;

“ Constituent district ” means a borough or district named in column 1 of the first schedule to this order ;

“ Half-year ” means the financial half-year commencing on the first day of April or the first day of October ;

“ The appointed day ” means the first day of October nineteen hundred and thirty-one ;

“ The joint board ” means the Aylesbury Joint Hospital Board constituted by this order ;

“ The Minister ” means the Minister of Health ;

“ The united district ” means the Aylesbury Joint Hospital District formed by this order.

(2) In this order each of the expressions “ powers ” “ duties ” and “ liabilities ” has the meaning assigned to that expression by section 100 of the Local Government Act 1888.

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PART II.

A.D. 1931.

FORMATION OF UNITED DISTRICT AND CONSTITUTION
OF JOINT BOARD.

*Aylesbury
Order.*

3. The constituent districts shall be formed into a united district to be called the Aylesbury Joint Hospital District for the purposes of the provision maintenance and management for the use of the inhabitants of the constituent districts of hospitals for the reception of cases of infectious disease other than smallpox.

Formation
of united
district.

4. The joint board shall consist of five members ex-officio and fifteen elective members and shall be called the Aylesbury Joint Hospital Board.

Constitution
and name of
joint board.

5.—(1) Subject to the provisions of this order any person who for the time being shall hold the office of mayor of the borough of Aylesbury or chairman of any other constituent council shall be ex-officio a member of the joint board.

Members
ex-officio of
joint board.

(2) If the mayor of the borough of Aylesbury or the chairman of any district council mentioned in the first schedule to this order—

(a) is unwilling to act ex-officio as a member of the joint board; or

(b) is disqualified or becomes disqualified as a member of the joint board;

he shall send the clerk of the joint board an intimation in writing of his unwillingness to act or disqualification (as the case may be) and thereupon the deputy-mayor of the borough of Aylesbury or the vice-chairman of the district council unless he is disqualified for being a member of the joint board shall in substitution for the mayor or chairman become the member of the joint board who represents ex-officio that borough or district.

(3) If any person shall hold more than one of the offices described in column 3 of the first schedule to this order he shall (unless he is unwilling to act as or is disqualified for being a member of the joint board) inform the clerk of the joint board in writing of the name of the constituent district which he desires to represent ex-officio as a member of the joint board and the deputy-mayor or vice-chairman of the council of the constituent district not so selected (unless he is disqualified for being a member of the joint board) shall in substitution for the mayor or chairman thereupon become the member of the joint board who represents ex-officio that constituent district.

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(4) Where in pursuance of this section the deputy-mayor of the borough of Aylesbury or the vice-chairman of any district council becomes ex-officio a member of the joint board he shall cease so to be a member when the mayor or chairman in substitution for whom he acts ex-officio as a member ceases to be mayor of the borough or chairman of the district council.

Elective
members of
joint board.

6.—(1) The elective members of the joint board shall be elected by the constituent councils.

(2) The number of members of the joint board to be elected by each constituent council shall be the number opposite the name of the constituent council in column 4 of the first schedule to this order and that number of members of the joint board shall be chosen by the constituent council from among the members of the council.

First
election of
members of
joint board.

7.—(1) At meetings to be held by the constituent councils before the appointed day or on such later day as the Minister may direct each constituent council shall elect from among their members the number of members mentioned in column 4 of the first schedule to this order to represent the council on the joint board.

(2) The clerk of each of the constituent councils shall give or send to each member of the council not less than seven days' previous notice in writing of the meeting and shall within seven days after the holding of the meeting notify in writing to the Minister the name address and occupation of each person elected by the constituent council as a member of the joint board.

(3) The persons elected in pursuance of this section as members of the joint board shall come into office on the appointed day.

Tenure of
office of
elective
members.

8.—(1) An elective member of the joint board shall continue in office until the expiration of the period for which he was elected a member of the joint board or until he dies or resigns or ceases to be a member of the constituent council by whom he was elected or otherwise becomes disqualified or until he becomes ex-officio a member of the joint board :

Provided that a member of the joint board shall not for the purposes of this order be deemed to have ceased to be a member of a constituent council by retirement if before the day of his retirement as a councillor he has been re-elected a councillor.

(2) Any elective member of the joint board who ceases to hold office by reason of the expiration of his period of office or by reason of his resignation or disqualification or by ceasing to be a member of the constituent council by whom he was elected shall be re-eligible as a member of the joint board if at the time of re-election he is qualified to be so re-elected.

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9.—(1) Any vacancy occurring among the elective members of the joint board by death resignation disqualification or otherwise shall be filled by the constituent council in whose representation the vacancy has occurred at a meeting to be held within six weeks after the occurrence of the vacancy or within such further period as the Minister may direct.

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*Aylesbury
Order.*

Filling of
casual
vacancies.

(2) The clerk of the constituent council shall forthwith notify in writing to the clerk of the joint board the name address and occupation of any person elected under this section to fill a casual vacancy.

10. Such of the provisions of section 46 of the Local Government Act 1894 and section 10 of the Local Government Act 1929 as relate to disqualification for being elected or being a member of the council of a district other than a borough and to absence from meetings of any such council shall with the necessary modifications extend to disqualification for being elected or being a member of the joint board and to absence from meetings of the joint board.

Disqualifica-
tion for
membership
of joint
board and
absence from
meetings.

11.—(1) The first meeting of the joint board shall be held at such time and at such place as may be fixed by the Minister.

Meetings of
joint board.

(2) Subsequent meetings of the joint board shall be held at such times and places as the joint board may appoint and at all meetings of the joint board five members shall constitute a quorum.

(3) An extraordinary meeting shall be summoned by the clerk of the joint board when a requisition for that purpose is addressed to him by the chairman or any three members of the joint board.

(4) The requisition shall be in writing and no business other than that specified in the requisition shall be transacted at the extraordinary meeting.

(5) Notices of all meetings of the joint board shall be delivered or sent by post so as to reach the last known place of abode or business of each member of the joint board three clear days before the day of meeting or at such earlier time as the joint board may direct.

12. The joint board shall from time to time appoint one of their number to be chairman for one year at all meetings at which he is present :

Chairman of
joint board.

Provided that a chairman so appointed shall unless he resigns his office of chairman or member of the joint board or ceases to be qualified or becomes disqualified as such a member continue in office until his successor is appointed.

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Committees.

13.—(1) The joint board may appoint committees composed of their members for the exercise of any powers which in the opinion of the joint board can be properly exercised by committees but the acts of every such committee shall unless otherwise directed by the joint board be submitted to the joint board for approval:

Provided that a committee so appointed shall not be authorised to borrow money or to issue any precept for contributions or to enter into any contract.

(2) The provisions of part four of the first schedule to the Local Government Act 1894 so far as those provisions are applicable shall extend to any committee appointed in pursuance of this section.

PART III.

POWERS AND DUTIES OF THE JOINT BOARD.

Application
of enact-
ments.

14.—(1) For the purposes of the provision maintenance and management of hospitals for the reception of cases of infectious disease other than smallpox the joint board shall exercise and perform and be subject to all the powers duties and liabilities of an urban authority under the enactments mentioned in the second schedule to this order and those enactments shall extend to the joint board with such modifications as may be necessary to make them applicable to the purposes of this order to the joint board and to the united district:

Provided that section 258 of the Public Health Act 1875 as applied by this section shall be modified by the insertion in that section after the words "local authority" of the words "or joint board" and after the words "such authority" of the words "or joint board."

(2) Nothing in this order shall affect the powers of a constituent council under any enactment applied to the joint board by this section except so far as the powers duties or liabilities under the enactment are within the purposes for which the joint board are formed as described in subsection (1) of this section.

Regulations
of Minister
under
38 & 39 Vict.
c. 55. ss. 130
and 134.

15.—(1) Regulations of the Minister under section 130 or section 134 of the Public Health Act 1875 as extended by any other enactment may provide for the execution of those regulations by the joint board in relation to the whole or any part of the united district and if the joint board shall be charged with the carrying out of regulations under the said section 134 the Epidemic and other Diseases Prevention Act 1883 shall apply to the joint board as that Act applies to a local authority in England.

(2) Save as provided in regulations of the Minister under any enactment mentioned in this section nothing in this order

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shall affect any powers or duties exercisable by or imposed upon any constituent council by regulations of the Minister under any such enactment.

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16.—(1) Persons shall be admitted to a hospital provided by the joint board in one of the following modes and not otherwise except with the consent of the constituent councils viz. :—

Admission of patients to hospitals.

(a) By an order of the joint board or of a constituent council;

(b) By an order of a medical officer of health of a constituent council;

(c) By an order of a medical officer appointed by the joint board; or

(d) By an order of a justice made under the provisions of section 124 of the Public Health Act 1875 with the consent required by that section.

(2) The joint board may by agreement with any county council provide for the reception and maintenance in a hospital provided by them of persons in receipt of poor relief and any such person may be admitted to the hospital in the manner and on the terms prescribed by the agreement.

17. A copy of section 132 of the Public Health Act 1875 and of section 60 of the Public Health Acts Amendment Act 1907 (which relate to the recovery of the cost of maintaining a patient in a hospital) shall be exhibited in a conspicuous place at the principal entrance of every hospital provided by the joint board.

Notice of provisions as to recovery of cost of maintenance.

18.—(1) The joint board shall appoint a treasurer and a clerk and may appoint one or more medical officers who shall be registered medical practitioners and such other officers and servants as they think requisite.

Appointment and remuneration of officers &c.

(2) The joint board may pay their treasurer clerk medical officers and other officers or servants such reasonable remuneration as they deem expedient and every such treasurer clerk medical officer and other officer and servant shall hold office upon the terms on which he was appointed by the joint board.

PART IV.

FINANCIAL PROVISIONS.

19.—(1) All the expenses incurred by the joint board shall be defrayed out of a common fund to which all the receipts of the joint board (including the sums payable to them in respect of the cost of maintenance in their hospitals of patients) shall be carried.

Common fund of joint board.

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(2) So far as the common fund is not provided by the receipts referred to in subsection (1) of this section precepts shall be issued by the joint board in respect of each half-year to each constituent council requiring them to pay a contribution to the common fund of the joint board.

(3) The contribution of each of the constituent councils to the common fund of the joint board—

(a) as respects one-third of the sum estimated by the joint board to be required to meet their expenditure in any half-year shall be based on the proportion which the rateable value of the constituent district bears to the aggregate of the rateable values of all the constituent districts;

(b) as respects the remaining two-thirds of the sum so estimated shall be based on the proportion which the population of the constituent district bears to the aggregate of the populations of all the constituent districts.

(4) For the purposes of this section the rateable value of a constituent district shall be the rateable value appearing in the valuation list in force on the first day of April or the first day of October preceding the issue of the precept and the population of a constituent district shall be ascertained from the report of the Registrar-General on the census last taken which may be published before the issue of the precept.

Calculation
and payment
of charges
for patients.

20.—(1) The charges to be made by the joint board to the constituent councils during any half-year in respect of patients maintained in the hospital during that half-year shall be a charge per day calculated to the nearest penny and derived from the average daily cost of the upkeep of the hospital during the half-year divided by the average number of patients in the hospital on each day of the half-year.

(2) Within three weeks after the close of each half-year the joint board shall calculate the average daily amount of the expenditure charged in their accounts for that half-year and the average number of patients in the hospital on each day of the half-year:

Provided that—

(a) loan charges and the expenses of the purchase or hire of land;

(b) the provision alteration or repair of buildings or the provision or repair of furniture and fittings; and

(c) the salaries remuneration and rations of officers and servants not being temporary nurses;

shall be excluded from the calculation of the average daily amount of the expenditure.

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(3) Within four weeks after the close of each half-year the clerk of the joint board shall transmit to the clerk of each constituent council an account showing in respect of each patient maintained during that half-year in the hospital who was admitted from the district of that council—

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- (a) the name and address of the patient;
- (b) the number of days in the half-year during which the patient was an inmate of the hospital;
- (c) the charge per day in respect of the patient calculated in accordance with the foregoing provisions of this section;
- (d) the charge for the half-year being the charge per day multiplied by the number of days in the half-year during which the patient was an inmate of the hospital;
- (e) a deduction in respect of any sum recovered by the joint board from or repaid to the joint board by or for the patient; and
- (f) the net sum claimed by the joint board as due for the maintenance of the patient from the constituent council.

(4) For the purposes of this section the day on which a patient entered the hospital and the day on which he was discharged therefrom shall both be included as days on which the patient was an inmate of the hospital.

21. The amount shown to be due from a constituent council by the account prepared by the clerk of the joint board under the preceding section of this order shall be paid by that constituent council and shall be included as a separate item of any precept which the joint board may issue to the constituent council under section 284 of the Public Health Act 1875 and in case of default shall be recovered in the manner authorised by that section.

Inclusion in precepts of charges for patients.

22. All orders for payments from the common fund of the joint board shall be signed by at least two members of the joint board and shall be countersigned by the clerk of the joint board or in his absence or inability by such other officer as the joint board for the purpose may authorise.

Orders for payments.

23. The accounts of the joint board shall at all reasonable times be open to inspection and transcription free of charge by any member of a constituent council or by any officer of a constituent council authorised by that council for that purpose.

Inspection of accounts.

24. A copy of the abstract of the accounts of the joint board and of any report to the joint board made by the district auditor shall be sent by the joint board to each constituent council as soon as may be after the completion of the audit.

Abstract of accounts and auditor's report.

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PART V.

*Aylesbury
Order.*

SUPPLEMENTARY.

Power of
Minister to
adapt this
order on
alterations of
boundaries
&c.

25.—(1) If at any time—

- (a) any new district is formed which comprises the whole or any part of a constituent district or the boundaries of a constituent district are otherwise altered;
- (b) a constituent district is created or included in a municipal borough; or
- (c) any alteration is made in the law affecting the united district or the joint board or a constituent district or constituent council in matters touching their relation to the united district or the joint board;

the Minister may on the application of the joint board or any constituent council by order provide for the adaptation of this order to the altered circumstances.

(2) If on an application made by the joint board or any constituent council it shall appear to the Minister that the population of any constituent district has so increased as to render the representation of the council of that district on the joint board inadequate the Minister may by order provide for the appointment of additional members of the joint board by that council.

(3) Every order under this section shall be published by the joint board in such manner as the Minister may direct.

Settlement
of differ-
ences.

26. Subject to the provisions of this order any difference arising under this order shall be referred to arbitration in the manner provided by the Public Health Act 1875 and the provisions of that Act relating to arbitrations shall apply with the necessary modifications as if the joint board or a constituent council (as the case may be) were a party within the meaning of those provisions.

Inquiries and
expenses.

27.—(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 to be held the costs incurred by the Minister 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 according as the Minister may direct be paid by the joint board or any constituent council and the Minister may certify the

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amount of the costs so incurred and any sum so certified and directed by the Minister to be so paid shall be a debt due to the Crown.

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 Order.*

28. Until a hospital provided by the joint board is ready for the reception of patients nothing in this order shall affect any power vested in any constituent council with regard to the provision maintenance and management of hospitals for the use of the inhabitants of their borough or district.

Saving for powers of constituent councils.

SCHEDULES.

FIRST SCHEDULE.

CONSTITUENT DISTRICTS CONSTITUENT COUNCILS AND NUMBER OF MEMBERS OF THE JOINT BOARD.

1.	2.	3.		4.
Name of borough or district.	Name of council.	Ex-officio members.		Elective members.
		Number.	Description.	
The borough of Aylesbury.	The council of the borough of Aylesbury.	1	The mayor of the borough.	3
The urban district of Chesham.	The urban district council of Chesham.	1	The chairman of the urban district council.	2
The rural district of Amersham.	The rural district council of Amersham.	1	The chairman of the rural district council.	5
The rural district of Aylesbury.	The rural district council of Aylesbury.	1	The chairman of the rural district council.	4
The rural district of Long Crendon.	The rural district council of Long Crendon.	1	The chairman of the rural district council.	1
	Total - -	5	Total - -	15

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SECOND SCHEDULE.

*Aylesbury
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ENACTMENTS APPLIED TO THE JOINT BOARD.

Session and chapter.	Short title.	Enactments applied.	Subject-matter.
38 & 39 Vict c. 55.	The Public Health Act 1875.	Section 122 - - Section 123 as amended by section 63 of the Public Health Act 1925. Section 131 - - Section 132 as amended by section 60 of the Public Health Acts Amendment Act 1907. Sections 173 and 174 except subsection (3) of section 174. Sections 175 to 177 - Sections 179 to 181 - Sections 192 to 197 - Section 205 - - - Sections 245 and 247 (as amended by the District Auditors Act 1879 Section 58 of the Local Government Act 1894 section 61 of the Finance Act 1921 and the Audit (Local Authorities) Act 1927). Section 249 - - - Section 250 - - - Sections 251 253 254 258 to 262 and 265.	Disinfection of articles. Ambulances. Provision of hospitals or temporary places for reception of the sick. Recovery of cost of maintenance in hospitals. Contracts. Purchase and disposal of lands Arbitration. Officers and offices. Attendance of inspectors at meetings. Accounts and audit. Taxation of bills of costs. Accounts of officers. Recovery of penalties and legal proceedings.

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Session and chapter.	Short title.	Enactments applied.	Subject-matter.
38 & 39 Vict. c. 55.	The Public Health Act 1875.	Sections 266 and 267 - Section 269 (as amended by the Summary Jurisdiction Act 1884). Section 298 - - - Section 306 (as amended by section 48 of the Public Health Acts Amendment Act 1890). Section 307 - - - Section 308 - - - Section 309 - - -	Notices. Appeals to quarter sessions. Costs of provisional orders. Penalty for obstructing execution of Act and for destruction of notices &c. Penalty for damaging works &c. Compensation for damage by local authority. Compensation to officers.
47 & 48 Vict. c. 74.	The Public Health (Officers) Act 1884.	The whole Act - -	Restriction on recovery of penalties under section 193 of the Public Health Act 1875.
48 & 49 Vict. c. 53.	The Public Health (Members and Officers) Act 1885.	Sections 1 and 2 - -	Amendment of section 193 of the Public Health Act 1875.

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 —
*Aylesbury
 Order.*

STRETFORD AND DISTRICT GAS BOARD.

Provisional Order for altering a Local Act.

*Stretford
 and District
 Gas Board
 Order.*

WHEREAS by the Stretford and District Gas Board Act 1922 the Stretford and District Gas Board were constituted and were authorised to supply gas within the limits prescribed in the local Act;

And whereas it is expedient that the council of the rural district of Bucklow should cease to be a constituent authority of the Board and that the council of the urban district of Urmston should be a constituent authority of the Board and that for those purposes the said local Act should be amended;

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and District
Gas Board
Order.*

And whereas by virtue of section 87 of the local Act section 303 of the Public Health Act 1875 extends and applies to the Board as if they were a local authority within the meaning of that section and the limits of supply were their district and on the application of the Board the Ministry of Health may make such orders as they are by that section empowered to make on the application of a local authority;

And whereas the Board have applied to the Minister of Health for the issue of a provisional order amending 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 as applied by section 87 of the Stretford and District Gas Board Act 1922 and of all other powers enabling him in that behalf hereby orders as follows :—

Commence-
ment and
short title.

1.—(1) This order may be cited as the Stretford and District Gas Board Order 1931.

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

Interpreta-
tion

2. In this order—

“ the board ” means the Stretford and District Gas Board ;

“ the Bucklow council ” means the council of the rural district of Bucklow ;

“ the Urmston council ” means the council of the urban district of Urmston ;

“ the local Act ” means the Stretford and District Gas Board Act 1922.

Bucklow
council to
cease to be
constituent
authority.

3. Subject to the provisions of this order the Bucklow council shall cease to be a constituent authority of the board and the expressions “ the councils ” “ the constituent authorities ” and “ constituent authority ” in the local Act shall be deemed not to include that council.

Urmston
council to be
constituent
authority.

4. The Urmston council shall be a constituent authority of the board and the expressions “ the councils ” “ the constituent authorities ” and “ constituent authority ” in the local Act shall be deemed to include that council.

Election of
member of
Board.

5.—(1) The Urmston council shall be represented upon the board by one member to be elected by that council from among the members thereof and the reference in section 6 of the local Act to the Bucklow council shall be construed as a reference to the Urmston council.

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(2) The first election of the member of the board to represent the Urmston council shall take place at a meeting of that council to be held within one month after the date of the confirmation of this order or within such further time as the Minister of Health may allow and not less than three days previous notice in writing of any such meeting shall be given or sent to each member of the council by the clerk.

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*Stretford
and District
Gas Board
Order.*

(3) The member of the board elected to represent the Urmston council at the first election shall come into office upon his election and subject to the provisions of the local Act shall continue in office for such period not being less than one year as the Urmston council shall determine but not beyond the thirtieth day of April nineteen hundred and thirty-four.

6. For the purpose of any division of surplus revenue in pursuance of section 80 of the local Act or the apportionment of any sum required to meet a deficiency in pursuance of section 81 of the local Act the Bucklow council shall not be deemed to be a constituent authority and no account shall be taken of receipts of the board from consumers of gas supplied prior to the first day of July nineteen hundred and thirty-one within the district of the Urmston council.

Division
of surplus
revenue and
apportion-
ment of
deficiencies.

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