

CHAPTER xxv.

An Act to confirm certain Provisional Orders of A.D. 1932. the Minister of Health relating to Lindsey and Lincoln Joint Smallpox Hospital District and Wandle Valley Joint Sewerage District.

[16th June 1932.]

WHEREAS under the provisions of the Public Health 38&39 Vict. Act 1875 the Minister of Health has made certain c. 55. provisional orders which need confirmation 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 of the Minister of Health which as Orders in amended are set out in the schedule to this Act are schedule hereby confirmed and shall have full validity and force. confirmed.
- 2. This Act may be cited as the Ministry of Health Short title. Provisional Orders Confirmation (Lindsey and Lincoln Joint Smallpox Hospital District and Wandle Valley Joint Sewerage District) Act 1932.

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SCHEDULE.

LINDSEY AND LINCOLN JOINT SMALLPOX HOSPITAL DISTRICT.

LincolnOrder.

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

> WHEREAS the councils of the boroughs 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 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 commencement.

1. This order may be cited as the Lindsey and Lincoln Joint Smallpox Hospital Order 1932 and shall come into operation on the day on which this order is confirmed by Act of Parliament.

Interpretation.

- 2.—(1) In this order unless the context otherwise requires—
 - "Constituent district" means a borough or district named in column 1 of the first schedule to this order;
 - "Constituent council" means the council of a constituent district;
 - "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-two;
 - "The joint board" means the Lindsey and Lincoln Joint Smallpox Hospital Board constituted by this order;
 - "The Minister" means the Minister of Health;
 - "The united district" means the Lindsey and Lincoln Joint Smallpox 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.

FORMATION OF UNITED DISTRICT AND CONSTITUTION OF JOINT BOARD.

3. The constituent districts shall be formed into a united Formation district to be called the Lindsey and Lincoln Joint Smallpox of united Hospital District for the purposes of the provision maintenance district. and management for the use of the inhabitants of the constituent districts of hospitals for the reception of cases of smallpox.

4. The joint board shall consist of five members ex-officio Constitution and twenty-six elective members and shall be called the Lindsey and name of and Lincoln Joint Smallpox Hospital Board.

joint board.

5.—(1) Subject to the provisions of this order the persons Members mentioned in column 2 of the first schedule to this order shall be ex-officio of ex-officio members of the joint board.

joint board.

- (2) If any of the persons mentioned in column 2 of 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 county borough of Lincoln 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 2 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 county borough of Lincoln 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 3 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 3 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 or the usual notice as provided by the standing orders of the council with reference to meetings 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 member of the council he has been re-elected

a member thereof.

(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.—(I) 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.

Filling of 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 Disqualifica-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.

tion for membership of joint board and absence from meetings.

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

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 seven 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 Chairman of their number to be chairman for one year at all meetings at which joint board. he is present:

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Committees.

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.

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 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.
- 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

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

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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.

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- (2) Save as provided in regulations of the Minister under any enactment mentioned in this section nothing in this order shall affect any powers or duties exerciseable by or imposed upon any constituent council by regulations of the Minister under any such enactment.
- 16.—(1) Persons shall be admitted to a hospital provided Admission of by the joint board in one of the following modes and not otherwise except with the consent of the constituent councils viz.:-

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 persons 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 Notice of 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.

provisions as to recovery of cost of maintenance.

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

tion 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.

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PART IV.

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Order.

Common
fund of
joint board.

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.
- (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 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 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 in the manner indicated in this section from the average daily amount of expenditure of the joint board 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 establishment expenses of the hospital including—

- (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.

(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 councilA.D. 1932.

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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(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 Inclusion in 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.

precepts of charges for patients.

22. All orders for payments from the common fund of the Orders for joint board shall be signed by at least two members of the joint payments. 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.

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

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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Lindsey and Lincoln Order:

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

PART V.

SUPPLEMENTARY.

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 differences.

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 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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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 AND NUMBER OF MEMBERS OF THE JOINT BOARD.

1.	2.		3.	
Name of borough	Ex-officio members.		T71 - 4 *	
or district.	Num- ber.	Description.	Elective members.	
The county borough of Lincoln.	1	The mayor of the borough.	1	
The borough of Louth -			1	
The urban district of			1	
Alford.				
The urban district of	. -	<u>——</u>	1	
Barton-upon-Humber.				
The urban district of			1	
Brigg.			_	
The urban district of	1	The chairman of the	1	
Cleethorpes.		urban district council.	_	
The urban district of	_		1	
Crowle.			-	
The urban district of	-		1	
Gainsborough.			,	
The urban district of			1	
Horneastle.		j		

[Ch. xxv.] Ministry of Health [22 & 23 Geo. 5.]

Provisional Orders Confirmation (Lindsey and
Lincoln Joint Smallpox Hospital District and Wandle
Valley Joint Sewerage District) Act, 1932.

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1.		2.		3.	
Lindsey and Lincoln Order. Name of borough		Ex-officio members.		Elective	
 	or district.	Number.	Description.	members.	
		+		<u> </u>	
	The urban district of Mablethorpe and	-		1	
	Sutton. The urban district of Market Rasen.	-		1	
	The urban district of Roxby cum Risby.	-		1	
-	The urban district of Scunthorpe and	1	The chairman of the urban district council.	1	
	Frodingham. The urban district of Skegness.	_	——————————————————————————————————————	1	
•	The urban district of Winterton.			1	
	The urban district of Woodhall Spa.			1	
	The rural district of Caistor.	_		1	
	The rural district of Gainsborough.	. —		ĺ	
	The rural district of Glanford Brigg.	t	The chairman of the rural district council.	1	
	The rural district of Grimsby.	-		1	
	The rural district of Horncastle. The rural district of				
	The rural district of Isle of Axholme. The rural district of			1 	
	Louth. The rural district of	-		, <u>1</u> 1	
2	Sibsey.			.	
	The rural district of Spilsby.	1	The chairman of the rural district council.	1	
•	The rural district of Welton.			1	
•	Total -	5	Total -	26	

SECOND SCHEDULE.

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Lindsey and

Lincoln

Order.

ENACTMENTS APPLIED TO THE JOINT BOARD.				
Session and chapter. Short title.		Enactments applied.	Subject-matter.	
e. 55.	The Public Health Act 1875.	Section 122 Section 123 as amended by section 63 of the Public Health Act 1925.	Disinfection of articles. Ambulances.	
		Section 131	Provision of hos- pitals or tempor- ary places for re- ception of the sick.	
•		Section 132 as amended by section 60 of the Public Health Acts Amendment Act 1907. Sections 173 and 174	maintenance in	
•	- -	except subsection (3) of section 174.		
		Sections 175 to 177 - Sections 179 to 181 -	Purchase and disposal of lands. Arbitration. Officers and offices. Attendance of inspectors at meet-	
		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).	Accounts and audit.	
		Section 249	Taxation of bills of costs.	
•		Section 250 Sections 251 253 254 258 to 262 and 265.	Accounts of officers. Recovery of penal- ties and legal pro- ceedings.	
		Sections 266 and 267 - Section 269 (as amend- ed by the Summary Jurisdiction Act 1884).	Notices.	
		Section 298	Costs of provisional orders.	

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Session and chapter.	Short title.	Enactments applied.	Subject-matter.
38 & 39 Vict. c. 55. 48 & 49 Vict. c. 53.	The Public Health Act 1875. The Public H e a l t h (Officers) Act 1884. The Public H e a l t h (Members and Officers) Act 1885.	Public Health Acts Amendment Act 1890). Section 307	Act and for de-

WANDLE VALLEY JOINT SEWERAGE DISTRICT.

Wandle Valley Joint Sewerage Order. Provisional Order amending a confirmation Act.

WHEREAS by virtue of the Wandle Valley Joint Sewerage Order 1916 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1916 as amended by the Wandle Valley Joint Sewerage Order 1927 which was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 8) Act 1927 the urban districts of Beddington and Wallington Merton and Morden and Mitcham constitute the Wandle Valley Joint Sewerage District of which the governing body is the Wandle Valley Joint Sewerage Board;

And whereas it is expedient that the order of 1916 should be altered in the manner following:

Now therefore the Minister of Health in pursuance of the powers given to him by section 297 of the Public Health Act

[22 & 23 Geo. 5.] Ministry of Health

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Provisional Orders Confirmation (Lindsey and Lincoln Joint Smallpox Hospital District and Wandle Valley Joint Sewerage District) Act, 1932.

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WandleValleyJoint. Sewerage Order.

1875 and of all other powers enabling him in that behalf hereby orders as follows:—

Interpreta-

1. In this order—

"the joint board" means the Wandle Valley Joint Sewerage Board;

"the united district" means the Wandle Valley Joint Sewerage District;

"the Merton and Morden council" means the urban district council of Merton and Morden;

"the order of 1916" means the Wandle Valley Joint Sewerage Order 1916;

"the order of 1927" means the Wandle Valley Joint Sewerage Order 1927;

"constituent authority" means an authority named in column 2 of the schedule to this order;

"constituent district" means a district named in column 1 of the schedule to this order;

"the Minister" means the Minister of Health.

2.—(1) This order may be cited as the Wandle Valley Joint Short titles Sewerage Order 1932 and the order of 1916 the order of 1927 and comand this order may be cited together as the Wandle Valley Joint mencement. Sewerage Orders 1916 to 1932.

- (2) This order shall come into operation on the date of the Act of Parliament confirming it.
- 3. The number of elective members of the joint board to be Increase in elected by the Merton and Morden council shall be increased from number of two to three and accordingly—

elective members of

- (1) article IV of the order of 1916 shall be amended by the joint board. substitution of the words "nine elective members" for the words "eight elective members"; and
- (2) the schedule to this order shall be substituted for the schedule to the order of 1916 and that order shall have effect accordingly.
- 4. The provisions of article VIII of the order of 1916 shall First election apply to the first election by the Merton and Morden council of the of additional additional elective member to represent that council on the joint board as if the election related to the filling of a vacancy occurring at the date of the Act of Parliament confirming this order.

5. If on an application made by the joint board or a con- Power of stituent authority it shall appear to the Minister that the rateable Minister to value of a 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 such council.

increase representation of constituent authority.

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SCHEDULE.

Wandle Valley Joint Sewerage Order.

1.	2.	3.	•	
Name of district.	Name of district council.	Ex-officio member	Elec-	
		Description	Num- ber.	tive mem- bers.
The urban district of Beddington and Wallington.		The chairman of the district council or in the event of his being unwilling to act or being an ex-officio member elsewhere described in this schedule then the vice-chairman of the district council.	1.	3
The urban district of Merton and Morden.	The urban district council of Merton and Morden.			3
The urban district of Mitcham.	The urban district council of Mitcham.	The chairman of the	1	

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