

[26 GEO. 5. & Ministry of Health [Ch. xxiv.]
1 EDW. 8.] Provisional Order Confirmation
(Matlock) Act, 1936.



CHAPTER xxiv.

An Act to confirm a Provisional Order of the Minister of Health relating to the urban district of Matlock. A.D. 1936.
[21st May 1936.]

WHEREAS under the provisions of the Public Health Act 1875 the Minister of Health has made a Provisional Order which needs 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 order of the Minister of Health which as amended is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Matlock) Act 1936. Short title.

A.D. 1936.

SCHEDULE.

*Matlock
Order.*

URBAN DISTRICT OF MATLOCK.

*Provisional order partially repealing and amending certain
local Acts and a provisional order.*

WHEREAS the urban district council of Matlock (in this order called "the council") are the local authority for the purposes of the Public Health Act 1875 for the urban district of Matlock and there are in force in the urban district the unrepealed provisions of the Darley Dale Water Act 1902 the Matlocks Urban District Council Act 1927 and the North Darley Order 1922 duly confirmed by Parliament;

And whereas by subparagraph (b) of paragraph (2) of article 70 of the Derbyshire Review Order 1934 made by the Minister of Health under section 46 of the Local Government Act 1929 it is provided that the council shall within a period of two years after the first day of April nineteen hundred and thirty-four either apply to the Minister for a provisional order under section 303 of the Public Health Act 1875 for the repeal alteration or amendment of the local Acts or provisional order confirmation Acts in force in the urban district or promote a Bill in Parliament for the consolidation and amendment of such Acts;

And whereas the council have applied to the Minister of Health for the issue of a provisional order to alter and in part repeal the local Acts and order aforesaid in the manner following:

Now therefore the Minister of Health, in pursuance of the powers given to him by sections 297 and 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 Matlock Order 1936 and shall come into operation on the date of the Act of Parliament confirming it.

Interpreta-
tion.

2. In this order unless the context otherwise requires—

"the Act of 1902" means the Darley Dale Water Act 1902;

"the order of 1922" means the North Darley Order 1922 which was confirmed by the Ministry of Health Provisional Orders Confirmation (No. 8) Act 1922;

"the Act of 1927" means the Matlocks Urban District Council Act 1927.

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3.—(1) For the definition of “the district” in section 6 (Interpretation) of the Act of 1927 there shall be substituted the following definition :—

“ ‘The district’ means the Matlock urban district in the county of Derby as formed by the Derbyshire Review Order 1934.”

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 —
 Matlock
 Order.
 Alterations
 of Act of
 1927.

(2) For the definition of “the existing waterworks” in section 6 (Interpretation) of the Act of 1927 there shall be substituted the following definition :—

“ ‘The existing waterworks’ means the waterworks of the council as the same exist on the first day of April nineteen hundred and thirty-four; ”

and the waterworks which the council are authorised to provide and maintain under section 96 (Power to maintain and provide waterworks and supply water) of the Act of 1927 shall be deemed to include in addition to the waterworks therein described—

- (a) the waterworks constructed by the council of the abolished urban district of North Darley under the Act of 1902 and the order of 1922; and
- (b) any waterworks constructed by the councils of the abolished urban districts of Bonsall and South Darley under the Public Health Act 1875;

and all such waterworks shall form part of the water undertaking of the council under the Act of 1927.

(3) Section 106 (Rates for water supply for domestic purposes) of the Act of 1927 shall be modified by the addition thereto of the following subsection :—

“ (7) Notwithstanding anything in the Waterworks Clauses Act 1863 a supply of water for domestic purposes shall not include a supply of water for swimming baths or stables.”

(4) In subsection (1) of section 110 (Supply of water to houses partly used for trade &c.) of the Act of 1927 after the word “sanatorium” there shall be inserted the words “hydro-pathic establishment.”

(5) Section 112 (Price of supply by meter) of the Act of 1927 shall be modified by the addition thereto of the following words :—

“ Provided that the minimum payment for a supply of water by meter otherwise than to any of the premises mentioned in section 110 (Supply of water to houses partly used for trade &c.) of this Act shall be eight shillings per quarter.”

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—
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(6) For section 129 (Application of section 35 of Waterworks Clauses Act 1847) of the Act of 1927 there shall be substituted the following section :—

“ 129. Section 35 of the Waterworks Clauses Act 1847 in its application to the council shall be read and construed as if the words ‘one-eighth part’ were substituted therein for the words ‘one-tenth part.’ ”

(7) Section 177 (Consolidated loans fund) of the Act of 1927 shall be modified by the addition thereto of the following subsection :—

“ (6) Any scheme approved under this section may be altered amended or revoked by a scheme approved in like manner and subject to the like provisions as the original scheme.”

Owner of
house
without
water supply
liable to
penalty.

4. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a penalty for every day on which the offence is continued after conviction not exceeding twenty shillings unless the dwelling-house was erected before the date of operation of this order and such supply is not available within a reasonable distance of the said dwelling-house.

Repeal.

5. Subject as hereinafter provided the Act of 1902 and the order of 1922 are hereby repealed :

Provided that—

- (a) the provisions of section 22 of the Act of 1902 relating to the protection of the Derby county council shall apply to the exercise by the council of their powers under the Act of 1927 in relation to such part of the existing waterworks as were constructed by the council of the abolished urban district of North Darley under the Act of 1902 and the order of 1922 ;
- (b) any sums borrowed under the provisions of the Act of 1902 which have not yet been repaid shall be repaid within the respective periods (if any) within which they were required to be repaid by or under those provisions.

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