

[26 GEO. 5. & Ministry of Health [Ch. lxxii.]
1 EDW. 8.] Provisional Order Confirmation
(Ramsey and Saint Ives Joint Water District) Act, 1936.



CHAPTER lxxii.

An Act to confirm a Provisional Order of the Minister of Health relating to the Ramsey and Saint Ives Joint Water District. A.D. 1936.

[16th July 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 (Ramsey and Saint Ives Joint Water District) Act 1936. Short title.

A.D. 1936.

SCHEDULE.

*Ramsey and
Saint Ives
Order.*

RAMSEY AND SAINT IVES JOINT WATER
DISTRICT.

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

WHEREAS the district councils named in column 2 of the first schedule to this order are local authorities for the purposes of the Public Health Act 1875 for the districts named in column 1 of that schedule and the said councils have applied to the Minister of Health for a provisional order forming a united district for the purpose of a common supply of water :

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 Ramsey and Saint Ives Joint Water Order 1936 and shall come into operation on the appointed day.

Interpreta-
tion.

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

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

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

“ the appointed day ” means the first day of April nineteen hundred and thirty-seven ;

“ the united district ” means the united district formed by this order ;

“ the joint board ” means the governing body of the united district ;

“ the date of transfer ” means the day on which the first meeting of the joint board is held ; and

“ the Minister ” means the Minister of Health.

[26 GEO. 5. & Ministry of Health [Ch. lxxii.]
 1 EDW. 8.] Provisional Order Confirmation
 (Ramsey and Saint Ives Joint Water District) Act, 1936.

A.D. 1936.

(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.

—
*Ramsey and
 Saint Ives
 Order.*

51 & 52 Vict.
 c. 41.

PART II.

FORMATION OF THE UNITED DISTRICT AND CONSTITUTION OF THE JOINT BOARD.

3.—(1) The constituent districts shall be formed into a united district under the government of a joint board for the purposes hereinafter mentioned and such district shall be called the Ramsey and Saint Ives Joint Water District.

Formation of
 united
 district.

(2) The purposes above referred to are as follows:—

- (a) the procuring of a common supply of water for distribution by the constituent councils in the constituent districts;
- (b) the carrying on and improvement of the works transferred to the joint board by this order; and
- (c) the doing of all acts and things necessary for connected with incidental to or consequent upon the powers rights duties capacities liabilities obligations and property exerciseable by attaching to or vested in the joint board under this order.

4. The joint board shall consist of two ex-officio members and eight elective members and shall be called the Ramsey and Saint Ives Joint Water Board.

Constitution
 and name of
 joint board.

5.—(1) The ex-officio members of the joint board shall be the persons described in column 3 of the first schedule to this order.

Members of
 joint board.

(2) Subject to the provisions of part IV of this order the elective members of the joint board shall be elected by the constituent councils 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 district 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.

6.—(1) The first election of members of the joint board shall take place at a meeting of each constituent council to be held within six weeks from the appointed day or within such further time as the Minister may allow and three days' previous notice in writing of the meeting shall be given or sent to each member of the constituent council by the clerk to that council.

First
 election of
 members of
 joint board.

[Ch. lxxii.] *Ministry of Health* [26 GEO. 5. &
Provisional Order Confirmation 1 EDW. 8.]
(*Ramsey and Saint Ives Joint Water District*) Act, 1936.

A.D. 1936.

—
*Ramsey and
Saint Ives
Order.*

(2) The clerk to each constituent council shall notify in writing to the Minister within seven days after the first election has taken place the names address and occupation of each of the persons elected by the constituent council as a member of the joint board and the names address and occupation of the person who will represent that council as an ex-officio member of the board.

First meeting
of joint board.

7. The first meeting of the joint board shall be held at such time and at such place as may be fixed by the Minister.

Chairman.

8. 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. In the event of an equality of votes the person presiding at the meeting shall not have a second or casting vote.

PART III.

POWERS AND DUTIES OF THE JOINT BOARD.

Application
of enact-
ments in
second
schedule.

9. For the purposes of this order the joint board shall exercise and perform and be subject to all the powers duties and liabilities of a local authority under the enactments mentioned in the second schedule to this order and those enactments shall with the necessary modifications extend to the joint board as if they were herein re-enacted and in terms made applicable to this order and to the joint board and to the united district :

Provided that section 258 of the Public Health Act 1875 as applied by this article shall be modified by the substitution of "constituent authority" for "local authority" and "the joint board" for "such authority."

Transfer of
existing
works mains
and pipes
&c.

10. As from the date of transfer all existing wells boreholes pumps reservoirs mains (other than distribution mains) pipes and other works belonging to either constituent council and used or constructed for the purpose of supplying water for distribution within any part of the constituent districts and all lands property rights powers privileges liabilities and obligations then vesting in or attaching to either or both constituent councils in respect of any such works shall be transferred to vest in and attach to the joint board :

Provided that nothing herein contained shall operate to transfer the water tower in Bluntisham or the reservoir near Wistow Toll or shall prejudice or affect any mortgage or other security or the rights of any person entitled thereto.

Appoint-
ment and
remunera-
tion of
officers.

11.—(1) The joint board shall appoint a treasurer and a clerk and such other officers and servants as they think requisite.

(2) The joint board may pay their treasurer clerk and other officers and servants such reasonable remuneration as they deem

[26 GEO. 5. & Ministry of Health [Ch. lxxii.]
 1 EDW. 8.] Provisional Order Confirmation
 (Ramsey and Saint Ives Joint Water District) Act, 1936.

expedient and every such treasurer clerk and other officer and servant shall be removable by the joint board at their pleasure.

A.D. 1936.

—
*Ramsey and
 Saint Ives
 Order.*

12.—(1) All expenses incurred by the joint board (including any expenses incurred by them in maintaining and carrying on the works and discharging the liabilities and obligations transferred to them by this order) shall be defrayed out of a common fund to which shall be paid all sums received by the joint board as payments for water supplied by the joint board or otherwise.

Expenses of
 joint board.

(2) To the common fund (so far as the same is not provided by the aforesaid payments) each constituent council shall contribute in the proportion which the rateable value of the constituent district bears to the rateable value of the united district at the date of the issue of a precept of the joint board for contributions from the constituent councils.

(3) The contributions of the rural district council of Saint Ives to the common fund of the joint board shall be defrayed as special expenses separately chargeable on the contributory places named in column 1 of the first schedule to this order.

(4) The Minister may on the application of either of the constituent councils or of the joint board by order to be published as he shall direct vary the mode of contribution and also the proportions of contributions prescribed by this section and every such order shall have effect as if the terms thereof were inserted in this order.

13. The accounts of the joint board shall at all reasonable times be open to inspection and transcription without payment by any member of a constituent council or by any officer of a constituent council authorised by them for that purpose and shall be subject to audit by a district auditor.

Inspection of
 accounts.

14. A copy of the abstract of the accounts of the joint board and of any report made by the auditor to the joint board 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.

PART IV.

SUPPLEMENTAL.

15. The provisions of sections 59 63 and 76 of the Local Government Act 1933 shall apply to the joint board as if the joint board were a local authority other than a parish council.

Disqualification
 for membership
 of joint board
 and absence
 from meetings.
 23 & 24 Geo. 5.
 c. 51.

16. An elective member of the joint board shall continue in office until the expiration of the period for which he was elected or until he dies or resigns or ceases to be a member of the constituent council by whom he was so elected or otherwise becomes

Tenure of
 office of
 members.

[Ch. lxxii.] *Ministry of Health* [26 GEO. 5. &
Provisional Order Confirmation 1 EDW. 8.]
(*Ramsey and Saint Ives Joint Water District*) Act, 1936.

A.D. 1936. disqualified or until he becomes ex-officio a member of the joint board :

—
*Ramsey and
Saint Ives
Order.*

Provided that a member who ceases to hold office by reason of the expiration of his period of office or by reason of his resignation or disqualification or ceasing to be a member of the said constituent council 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.

Supply of
vacancies.

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

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

Meetings.

18.—(1) Subject to the provisions of this order 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 three members shall constitute a quorum.

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

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

(4) 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 direct.

Committees.

19.—(1) The joint board may appoint committees consisting of members of the joint board 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 in no case be authorised to borrow money or to issue any precept for contributions or to enter into any contract.

(2) The provisions of subsection (1) of section 96 of the Local Government Act 1933 shall apply to the joint board as if the joint board were a local authority.

A.D. 1936.

20. If at any time any new district is formed including the whole or any part of a constituent district or the boundaries of a constituent district are otherwise altered or any alteration is made in the law affecting the united district or the joint board or a constituent district or a constituent council in matters touching their relation to the united district or the joint board the Minister may by order to be published as he may direct provide for the adaptation of this order to the altered circumstances.

Ramsey and Saint Ives Order.

Power of Minister to adapt provisions of order on alterations of constituent districts.

21. Subject to the provisions of this order any difference arising hereunder shall be referred to arbitration in the manner provided by the Public Health Act 1875 the provisions of which 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.

Settlement of differences.

22. The Minister may hold any inquiry which he may deem necessary for the purposes of this order and section 290 of the Local Government Act 1933 shall apply as if the joint board were a local authority.

Inquiries and expenses.

FIRST SCHEDULE.

CONSTITUENT DISTRICTS AND NUMBER OF MEMBERS OF THE JOINT BOARD.

1.	2.	3.		4.
Name of district.	Name of district council.	Ex-officio members.		Election members.
		Number.	Description.	
The urban district of Ramsey.	The urban district council of Ramsey.	1	The chairman of the urban district council.	4
The district comprising the contributory places of Bluntisham with Earith Broughton Bury Colne Holywell with Needingworth Old Hurst Pidley cum Fenton Somersham Warboys Wistow and Woodhurst.	The rural district council of Saint Ives.	1	The chairman of the rural district council.	4
	Total	2		8

[Ch. lxxii.] *Ministry of Health* [26 GEO. 5. &
Provisional Order Confirmation 1 EDW. 8.]
(Ramsey and Saint Ives Joint Water District) Act, 1936.

A.D. 1936.

SECOND SCHEDULE.

*Ramsey and
 Saint Ives
 Order.*

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.	Sections 51 to 68 - Sections 179 to 181 - Section 206 (except so much as requires publication in a local newspaper of the annual report). Sections 251 253 254 258 261 262 and 265. Sections 266 and 267 - Section 269 (as amended by the Summary Jurisdiction Act 1884). Section 285 - - - Section 298 - - - Sections 299 to 302 - Section 305 - - - Section 306 (except so far as it relates to the destruction of notices &c.) Section 307 - - - Section 308 - - - Section 309 - - - Section 327 - - - Section 328 - - - Section 329 - - -	Water supply. Arbitration. Annual report. Recovery of penalties and legal proceedings. Notices. Appeals to quarter sessions. Execution of works in adjoining district &c. Costs of provisional orders. Defaulting local authorities. Entry on lands. Penalty for obstructing execution of Act. Penalty for damaging works &c. Compensation for damage by local authority. Compensation to officers. Saving for works and property &c. Reference to arbitration. Effect of arbitration. Officers and offices.
23 & 24 Geo. 5. c. 51.	The Local Government Act 1933.	Subsection (4) of section 107 and sections 119 120 121 122 123 and 125. Sections 157 to 160 and 164 to 166. Section 176 - - -	Purchase and disposal of lands. Application of Lands Clauses Acts to purchases by agreement.

[26 GEO. 5. & Ministry of Health [Ch. lxxii.]
 1 EDW. 8.] Provisional Order Confirmation
 (Ramsey and Saint Ives Joint Water District) Act, 1936.

SECOND SCHEDULE—*continued.*

A.D. 1936.

Session and chapter.	Short title.	Enactments applied.	Subject-matter.
23 & 24 Geo. 5. c. 51— <i>cont.</i>	The Local Government Act 1933— <i>cont.</i>	Section 266 - - - Sections 277 and 278 - Section 289 - - - Paragraph 5 of Part III of Third Schedule.	Contracts. Legal proceedings. Penalty for de- struction of notices &c. Attendance of in- spectors at meet- ings.

*Ramsey and
Saint Ives
Order.*

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