

[26 GEO. 5. & Ministry of Health [Ch. xcvi.]
1 EDW. 8.] Provisional Order Confirmation
(Plympton Saint Mary) Act, 1936.



CHAPTER xcvi.

An Act to confirm a Provisional Order of the Minister of Health relating to the rural district of Plympton Saint Mary. [31st July 1936.]

A.D. 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 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 (Plympton Saint Mary) Act 1936.

Short title.

A.D. 1936.

SCHEDULE.

*Plympton
Saint Mary
Order.*

RURAL DISTRICT OF PLYMPTON
SAINT MARY.

Provisional order altering certain local Acts.

2 & 3 Geo. 5.
. lxiv. WHEREAS the urban district council of Ivybridge were authorised by the Ivybridge Urban District Water Act 1912 to carry on a water undertaking and supply water within their district;

18 & 19
Geo. 5. c. xlv.
23 & 24
Geo. 5.
c. lxxviii. And whereas the rural district council of Plympton Saint Mary (in this order called "the council") in pursuance of the Plympton St. Mary Rural District Council Act 1928 and the Plympton St. Mary Rural District Council Act 1933 carry on a water undertaking and supply water within certain parishes in the rural district of Plympton Saint Mary;

And whereas by the Devon Review Order 1935 made by the Minister of Health under section 46 of the Local Government Act 1929 the urban district of Ivybridge was abolished and the area thereof was included in the rural district of Plympton Saint Mary as from the first day of April one thousand nine hundred and thirty-five;

And whereas by paragraph (1) of article 54 of the Devon Review Order 1935 the functions of the urban district council of Ivybridge under the provisions of the Ivybridge Urban District Water Act 1912 relating to the supply of water were transferred to the council and the council became the undertakers of the water undertaking authorised by the said Act;

And whereas the council have applied to the Minister of Health for the issue of a provisional order to alter the said local Acts 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 in that behalf hereby orders as follows :—

Short title
and com-
mencement.

1. This order may be cited as the Plympton Saint Mary Order 1936 and shall come into operation on the appointed day.

[26 GEO. 5. & *Ministry of Health* [Ch. xcvi.]
 I EDW. 8.] *Provisional Order Confirmation*
(Plympton Saint Mary) Act, 1936.

2. In this order unless the context otherwise requires—

“the appointed day” means the first day of October one thousand nine hundred and thirty-six;

“the Act of 1912” means the Ivybridge Urban District Water Act 1912;

“the Act of 1928” means the Plympton St. Mary Rural District Council Act 1928; and

“the Act of 1933” means Part I (Preliminary) and Part IV (Water) of the Plympton St. Mary Rural District Council Act 1933.

A.D. 1936.

—
*Plympton
 Saint Mary
 Order.*

Interpreta-
 tion.

3.—(1) Subject to the provisions of this order the Act of 1928 and the Act of 1933 shall apply to the council in the discharge of their functions as the undertakers of the water undertaking authorised by the Act of 1912 as if section 5 (Power to make waterworks) of the Act of 1928 had authorised the council to make and maintain in addition to the waterworks therein specified the waterworks authorised by the Act of 1912 and all such waterworks shall form part of the water undertaking of the council under the Act of 1928 and the definition of “the water undertaking” in section 4 (Interpretation) of the Act of 1928 shall be construed accordingly.

Extension of
 water under-
 taking and
 limits of
 supply.

(2) The limits of the Act of 1928 for the supply of water as prescribed by section 26 (Limits of supply) of the Act of 1928 shall be altered by the inclusion therein of the parish of Ivybridge.

(3) The Act of 1928 and the Act of 1933 in their application to the council in the discharge of their functions thereunder in relation to such part of the water undertaking as was authorised by the Act of 1912 shall have effect subject to the unrepealed provisions of the Act of 1912.

4.—(1) Notwithstanding anything contained in section 28 (Rates for supply of water for domestic purposes) of the Act of 1928 until varied by any order made by the Minister of Health under section 34 (Revision of water rates) of that Act the rate per annum for the supply of water for domestic purposes to premises within the parish of Ivybridge shall not exceed ten per centum upon the gross value of the premises.

Modifications
 of Acts of
 1928 and
 1933 in their
 application
 to parish of
 Ivybridge.

(2) The powers of the council under section 46 (Cisterns) and section 48 (Stopcocks to be fitted in communication pipes) of the Act of 1933 shall be exerciseable in the parish of Ivybridge in relation only to any dwelling-house the erection of which is commenced after the appointed day and to all new buildings the erection of which is commenced after the appointed day respectively.

[Ch. xcvi.] *Ministry of Health* [26 GEO. 5. &
Provisional Order Confirmation 1 EDW. 8.]
(*Plympton Saint Mary*) Act, 1936.

A.D. 1936.

—
*Plympton
Saint Mary
Order.*

Alterations
of Acts of
1912 and
1928.

5.—(1) Section 11 (For protection of Plympton Saint Mary Rural District Council) of the Act of 1912 shall be read and have effect as if for references therein to the Plympton Saint Mary rural district council there were substituted references to the county council of Devon.

(2) For subsection (2) of section 11 (Byelaws for preventing pollution of water) of the Act of 1928 there shall be substituted the following subsection :—

“ (2) The byelaws made under this section shall be in force within the parishes of Cornwood and Harford or within so much of those parishes as may be defined in the byelaws.”

(3) In section 76 (Expenses of execution of Act) of the Act of 1928 there shall be inserted the word “ Ivybridge ” between the words “ Yealmpton ” and “ and Newton Ferrers.”

Repeals.

6. The following provisions of the Act of 1912 are hereby repealed :—

- Section 9 (Temporary discharge of water into streams);
- Section 12 (Power to take lands);
- Section 13 (Period for compulsory purchase of lands);
- Section 14 (Correction of errors &c. in deposited plans and book of reference);
- Section 18 (Power to purchase additional lands by agreement);
- Section 20 (Power to retain sell &c. lands &c.);
- Section 21 (Reservation of water rights &c. on sale);
- Paragraphs (2) and (3) of section 31 (Supply to Broomhill Estate);
- Section 32 (Supply of water to Plympton St. Mary Council);
- Sections 34 to 50 inclusive (Supply of water);
- Sections 51 to 66 inclusive (Finance);
- Section 67 (Inquiries by Local Government Board);
- Section 68 (As to notices &c.);
- Section 72 (Costs of Act) :

Provided that any sums borrowed under the provisions of the Act of 1912 repealed by this section which have not yet been repaid shall notwithstanding such repeal 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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