



Brine Pumping (Compensation for Subsidence) Act 1891

1891 CHAPTER 40

(ii.) Formation of Compensation District

3 Application for order for formation of district

Any owner or owners of land in any county of a rateable value in the aggregate of not less than two thousand pounds, and any sanitary authority in any county, may apply to the Local Government Board by memorial, alleging that subsidence of land belonging to such owner or owners, or situate within the district of such authority, is caused by brine pumping -operations, whereby loss or damage is occasioned, and praying that a compensation district may be formed under this Act, with such boundaries as shall be described in the memorial, or such other boundaries as the Local Government Board shall fix.

4 Inquiry on receipt of memorial

On the receipt of the memorial, the Local Government Board may, if they think a sufficient prima, facie case has been made out, and after requiring (if they think fit) security to be given for any costs which may be incurred by the Board in relation to any local inquiry under this section, direct a local inquiry to be held by an inspector as to the expediency of forming the proposed district and as to the boundaries to be assigned to such district, and as to any further incidental matters in relation thereto as the Board may think fit.

5 Procedure on inquiry

Before a local inquiry under this Act is held, the Local Government Board shall cause to be given public notice by advertisement in local newspapers, or otherwise, in such manner as they think fit, of the time and place at which the inquiry will be held, and the inspector shall hear all persons locally interested appearing before him and desirous of being heard in relation to the formation of the district, and the establishment of a compensation board under this Act.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

6 Formation of district by Provisional Order

- (1) If the Local Government Board after receiving the report of their inspector determine to form a compensation district as prayed by the memorial, or with addition of any lands or exclusive of any of the lands proposed by the memorial to be included in the district, the Local Government Board shall frame a draft provisional order forming a compensation district and establishing a compensation board under this Act in such manner as they think expedient having regard to all the circumstances of the case.
- (2) The Local Government Board shall cause printed copies of the draft order to be deposited with the clerk of the county council of the county or counties in which the district or any part of the district proposed to be formed by the draft order is situate and with the sanitary authority or authorities exercising jurisdiction in such district or any part thereof. The copies so deposited shall be open to inspection without fee by all owners and occupiers of land and by all brine pumpers within the district.
- (3) The Local Government Board shall also cause notice to be given of such deposit of copies and of the purport of the draft order by advertisement in two successive weeks in some local newspaper circulating in the district proposed to be formed by the draft order.

7 Confirmation, &c. of Provisional Orders

- (1) The Local Government Board may submit to Parliament for confirmation any provisional order made by the Board in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament.
- (2) If while the Bill confirming any such order is pending in either House of Parliament a petition is presented against any order comprised therein, the Bill so far as it relates to such order may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.
- (3) Any Act confirming any provisional order made under this Act may be repealed, altered, or amended by any provisional order made by the Local Government Board and confirmed by Parliament.
- (4) The Local Government Board may revoke either wholly or partially any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament.
- (5) The making of a provisional order shall be prima facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with.
- (6) Every Act confirming any such provisional order shall be deemed to be a Public General Act.
- (7) The reasonable costs sanctioned by the Local Government Board of the sanitary authority in or about any inquiry by that Board in pursuance of this Act and in or about the promotion of or opposition to any provisional order under this Act shall be payable out of the fund or rate applicable to the general expenses of such authority.

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8 Alteration of boundaries of the district

- (1) The boundaries of any compensation district may be altered by the Local Government Board on such application as in this section provided, but after the like inquiry and with the like proceedings as to a provisional order as in the case of the formation of a district, and for the purpose of such alteration the foregoing provisions relating to an inquiry and a provisional order shall apply so far as practicable.
- (2) An application for the alteration of the boundaries of a compensation district may be made by any brine pumper and by any person or body of persons authorised to apply under this Act to the Local Government Board for the formation of a compensation district, except that in the case of an application by an owner or owners of property the aggregate rateable value of the property of such owner or owners for the purposes of this section shall be not less than five hundred pounds.