
STATUTORY INSTRUMENTS

1973 No. 309

PUBLIC HEALTH, ENGLAND AND WALES

The Calder & Ryburn Joint Sewerage Order 1973

Made - - - 23rd February 1973

Coming into Operation 1st March 1973

ARRANGEMENT OF ARTICLES

PART I

PRELIMINARY

ARTICLE

1. Citation and commencement.
2. Interpretation.

PART II

DISSOLUTION OF EXISTING UNITED DISTRICTS
AND EXISTING BOARDS

3. Dissolution of existing united districts and existing Boards.

PART III

CONSTITUTION OF UNITED DISTRICT AND JOINT BOARD

4. Constitution of united district and joint board.
5. Election and retirement of members.
6. Period of office.
7. Appointment of deputies.
8. Meetings and proceedings.
9. Committees.

PART IV

PURPOSES POWERS AND DUTIES OF THE BOARD

10. Purposes for which the united district is constituted.
11. Application of enactments.
12. Transfer of undertakings and works.
13. Transfer of officers.
14. Compensation of officers.
15. Appointment and remuneration of officers.
16. Trade effluents.
17. Right of constituent authorities to use sewers of Board.
18. Varying existing agreements.

[DOE 10398]

19. Right of pre-emption for constituent authorities in respect of lands and works transferred to Board.
20. As to powers of inspection.
21. Application of section 25 of the Act of 1936 to sewers of Board.
22. Carrying on of existing undertakings, etc.
23. Payment of expenses.

PART V
FINANCIAL

24. Common fund.
25. Apportionment of estimated deficiency.
26. Precepts.
27. Accounts and audit.
28. Reserve Fund.
29. Capital fund.
30. Powers of constituent authorities to lend money to Board.
31. Borrowing by Board.
32. Unexercised borrowing powers.

PART VI
SUPPLEMENTARY

33. Continuation of proceedings.
34. Savings of agreements, etc.
35. Settlement of disputes.
36. Provision for Sundays and public holidays.
37. Costs of order.

SCHEDULES

Schedule 1—Dissolution of existing joint Boards.

Schedule 2—Constituent authorities, constituent districts and numbers of members of the Board.

Schedule 3—Rules as to meetings and proceedings.

Schedule 4—Enactments applied to the Board.

Whereas the local authorities named in column 1 of Schedule 2 to this order (with the exception of Halifax County Borough Council) have applied to the Secretary of State for the Environment for an order constituting a united district for the purpose of the reception and disposal of sewage:

Now therefore the Secretary of State for the Environment in exercise of powers conferred by section 6 of the Public Health Act 1936^(a) and now vested in him^(b), and of all other powers enabling him in that behalf, hereby orders as follows:—

^(a) 1936 c. 49.

^(b) S.I. 1951/142, 1900, 1970/1681 (1951 I, p. 1348, 1347; 1970 III, p 5551).

PART I

PRELIMINARY

1. This order may be cited as the Calder & Ryburn Joint Sewerage Order 1973 and shall come into operation on 1st March 1973. Citation and commencement.

2.—(1) The Interpretation Act 1889(a) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament. Interpretation.

(2) In this order, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

“the Act of 1933” means the Local Government Act 1933(b);

“the Act of 1936” means the Public Health Act 1936(c);

“the Act of 1937” means the Public Health (Drainage of Trade Premises) Act 1937(d);

“the Act of 1961” means the Public Health Act 1961(e);

“the appointed day” means 1st April next following the date of commencement of this order;

“the Board” means the Calder & Ryburn Joint Sewerage Board constituted by this order;

“constituent authority” means an authority mentioned in column 1 of Schedule 2 to this order;

“constituent district” means a district or part of a district described in column 2 of Schedule 2 to this order;

“existing Boards” means the Luddenden Foot Joint Sewerage Board and the Hebden Bridge Joint Sewerage Board;

“the map” means the map prepared in duplicate, signed by an Under Secretary in the Department of the Environment and marked “map referred to in the Calder & Ryburn Joint Sewerage Order 1973”, of which one duplicate has been deposited and is available for inspection at the offices of the Board and the other at the offices of the Secretary of State;

“Secretary of State” means Secretary of State for the Environment;

“statutory securities” means any securities in which trustees are for the time being authorised by law to invest trust moneys, and any mortgage, bond, debenture, debenture stock, stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875(f), but does not include annuities, rent charges or securities transferable by delivery;

“transferred undertakings” means the whole of the undertaking of the Luddenden Foot Joint Sewerage Board and the whole of the undertaking of the Hebden Bridge Joint Sewerage Board (with the exception of the Redacre Sewage Disposal Works) as existing immediately before the appointed day, including in each case, all property and rights of whatsoever description held or enjoyed by the Boards and all liabilities to which the Boards were then subject in relation thereto, but not including—

(a) 1889 c. 63.

(c) 1936 c. 49.

(e) 1961 c. 64.

(b) 1933 c. 51.

(d) 1937 c. 40.

(f) 1875 c. 83.

(a) the benefits of and liabilities under contracts for the employment of officers and servants, or

(b) any monies held on revenue account;

“the transferred sewer” means the trunk sewers of the Hebden Royd Urban District Council shown coloured green on the map together with any apparatus subsidiary or appertaining thereto;

“transferring authority” means an existing Board;

“the united district” means the Calder & Ryburn Joint Sewerage District constituted by this order;

“year” means the period of twelve months commencing on 1st April in any year.

(3) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this order.

PART II

DISSOLUTION OF EXISTING UNITED DISTRICTS

AND EXISTING BOARDS

Dissolution
of existing
united
districts and
existing
Boards.

3.—(1) The Luddenden Foot Joint Sewerage District and the Hebden Bridge Joint Sewerage District shall cease to exist immediately before the appointed day and the existing Boards shall thereafter be dissolved in accordance with the provisions of Schedule 1 to this order.

(2) As from the appointed day, the Luddenden Foot Joint Sewerage Orders 1897 to 1956 and the Hebden Bridge Joint Sewerage Order 1946(a) and the Hebden Bridge Joint Sewerage (Amendment) Order 1955(b) shall cease to have effect and shall be revoked except to such extent and for such time as may be necessary to enable each of the existing Boards to carry out their functions under this order.

PART III

CONSTITUTION OF UNITED DISTRICT AND JOINT BOARD

Constitution
of united
district and
joint board.

4.—(1) As on and from the appointed day the constituent districts shall be constituted a united district to be called the Calder & Ryburn Joint Sewerage District for the purpose hereinafter mentioned.

(2) The Board shall consist of 21 members each of whom shall be a member of the constituent authority by whom he was elected and shall be called the Calder & Ryburn Joint Sewerage Board.

Election and
retirement
of members

5.—(1) The number of members of the Board to be elected by each constituent authority shall be the number specified in column 3 of Schedule 2 to this order opposite the name of the authority in column 1 of that Schedule.

(2) Each constituent authority shall at a meeting to be held before the appointed day elect the number of members of the Board assigned

(a) S.R. & O. 1946/1072.

(b) S.I. 1955/367.

to them by this order and the members so elected shall come into office on the appointed day.

(3) All the members of the Board shall retire from office on 31st May in the year next following the year commencing on the appointed day and on that date in each year thereafter.

(4) Each constituent authority shall at their annual meeting in each year elect for the ensuing year the number of members assigned to them by this order.

(5) Subject to the provisions of paragraph (2) of this article every member of the Board shall come into office upon 1st June next following his election unless he is elected to fill a casual vacancy in which event he shall come into office upon his election.

(6) The clerk of each constituent authority shall forthwith after the election of any member of the Board by that authority notify the name, address and description of the member elected to the clerk of the Board.

6.—(1) Except as in this order otherwise provided a member of the Board shall hold office until the date on which his successor comes into office. Period of office.

(2) A member of the Board who ceases to be a member of the constituent authority by whom he was elected or otherwise becomes disqualified shall thereupon cease to be a member of the Board:

Provided that a member of the Board shall not be deemed to have ceased to be a member of the constituent authority by whom he was elected if on or before the day on which he goes out of office he has been re-elected a member of that authority.

(3) A member of the Board may resign his membership by sending to the clerk of the Board notice in writing of his desire to do so whereupon a casual vacancy shall be deemed to have arisen and the clerk of the Board shall forthwith notify the town clerk or clerk of the constituent authority by whom the member was appointed of the vacancy.

(4) Any casual vacancy in the membership of the Board shall be filled as soon as practicable by the election by the constituent authority in whose representation the vacancy arises of a new member and the person so elected shall hold office during the remainder of the term of office of the person in whose place he is elected:

Provided that it shall not be obligatory upon a constituent authority to fill any such casual vacancy arising within two months before 31st May in the year 1974 or in any year thereafter.

(5) Sections 58, 59, 60, 63, 65 (except paragraphs (a), (e) and (g) thereof), 76 and 84 of the Act of 1933 (which provide respectively as to re-election, disqualification for office, validity of acts done by unqualified persons, vacation of office by failure to attend meetings, date of casual vacancies, disability for voting on account of interest in contracts, etc. and proceedings in respect of qualification) shall apply to the Board as if the Board were a local authority other than a parish council and as

if references in those provisions to that Act were references to this order subject, in the case of section 84, to the modification that proceedings shall only be instituted by some person duly authorised in that behalf by a constituent authority or by the Board.

Appoint-
ment of
deputies.

7.—(1) A constituent authority may nominate a person or persons to act as deputy or deputies for any member or members of the Board elected by them.

(2) A person so nominated may attend and vote at any meeting of the Board or, subject to the standing orders of the Board for the time being in force, any committee of the Board appointed under article 9 of this order (being a committee on which the member for whom he is appointed a deputy is entitled to sit) which the member for whom he is appointed a deputy is unable to attend:

Provided that—

(a) at any meeting of the Board or committee a person so nominated shall not be entitled to represent more than one member and a member shall be entitled to be represented by only one such person; and

(b) a person so nominated shall be subject to the same provisions as to qualification for and disqualification from office as are contained in or applied by this order with respect to members of the Board and shall not be entitled to attend and vote at any meeting of the Board until notice of his nomination has been given to the clerk of the Board.

Meetings and
proceedings.

8. The meetings and proceedings of the Board shall be conducted in accordance with the rules set out in Schedule 3 to this order.

Committees.

9.—(1) The Board may appoint committees for the exercise of any functions which in the opinion of the Board can be properly exercised by committees but the acts of every committee shall unless otherwise directed by the Board be submitted to the Board for approval:

Provided that a committee shall not be authorised to borrow money or to issue any precept for contributions or to enter into any contract.

(2) A committee (other than a committee for regulating and controlling the finance of the Board) may include persons who are not members of the Board:

Provided that at least two-thirds of the members of every committee shall be members of the Board.

(3) Every member of a committee appointed under this article who at the time of his appointment was a member of the Board shall upon ceasing to be a member of the Board also cease to be a member of the committee and every member of a committee appointed under this article who at the time of appointment was not a member of the Board shall if he is still a member of the committee on 31st May in the year next following the year commencing on the appointed day or on that date in any year thereafter cease to be a member of the committee but if otherwise qualified shall be eligible for re-appointment.

(4) The provisions of sections 94, 95 and 96 of the Act of 1933 (which provide respectively as to disqualification for membership of committees, disability for voting on account of interest in contracts, etc. and as to standing orders) shall apply to the Board as if the Board were a local authority.

PART IV

PURPOSES POWERS AND DUTIES OF THE BOARD

10. The purposes for which the united district is constituted are:— Purposes for which the united district is constituted.

- (a) the operation and maintenance of the sewers and sewage disposal works transferred to the Board by this order or in respect of which rights of user are conferred upon the Board by this order;
- (b) the acquisition, construction, operation and maintenance of all sewers, pumping stations and ancillary works and of all such sewage disposal works as may be necessary for effectually receiving the sewage of the united district from sewers of the constituent authorities and disposing of it in accordance with the provisions of this order; and
- (c) the exercise of functions in respect of the discharge of trade effluents into public sewers in the said district.

11. For the purposes of their functions under this order the Board are hereby invested as from the appointed day with all the functions, rights and liabilities of a local authority under the enactments mentioned in Schedule 4 to this order and those enactments shall with the modifications therein mentioned and any further necessary modifications apply to the Board and the united district as if the Board were a local authority and the united district were a district of a local authority. Application of enactments.

12. On the appointed day—

- (1) (a) the transferred undertakings, subject to the right for either of the existing Boards to retain for the time being any items thereof which they may require for the carrying out of their functions under Schedule 1 to this order;
- (b) the transferred sewer together with all outstanding liabilities in respect of any sum borrowed for the purposes of any of the said works, or money or securities for money representing a sinking or other fund for the repayment of such a sum and any unexpended balance of such sum;

shall by virtue of this order and without further assurance be transferred to, vest in and attach to the Board. Transfer of undertakings and works.

- (2) Subject to the provision of paragraph 3(a) of this article, the Redacre sewage disposal works of the Hebden Bridge Joint Sewerage Board shall by virtue of this order, and without further assurance be transferred to and vest in and attach to the Hebden Royd Urban District Council together with all outstanding liabilities in respect of any sum borrowed by the said Board for the

purposes of the said works, all money and securities for money representing a sinking or other fund for the repayment of such a sum and any unexpended balance of such sum.

- (3) The Board shall have and exercise all necessary powers to manage and maintain the operation of
- (a) the said Redacre sewage disposal works;
 - (b) the Milner Royd sewage disposal works of the Sowerby Bridge Urban District Council;
 - (c) the Ripponden Wood sewage disposal works of the Ripponden Urban District Council:

Provided that such powers shall cease in each case as from the date or dates on which the sewers leading to the said works are connected to the Board's High Royd works.

Transfer of officers.

13.—(1) Any officer employed immediately before the appointed day by a transferring authority solely or mainly in connection with their transferred undertaking or by a council mentioned in paragraph (3) of the last foregoing article solely or mainly in connection with a sewage disposal works so mentioned shall on the appointed day be transferred to and become an officer of the Board on terms and conditions not less favourable than those on which he was employed as aforesaid by the transferring authority.

(2) In respect of those persons who—

(a) immediately before the appointed day are servants or part-time officers within the meaning of the Local Government Superannuation Acts 1937 to 1953, enjoying superannuation rights under the said Acts; and

(b) enter the employment of the Board in pursuance of paragraph (1) of this article;

the Board shall be deemed to have passed a statutory resolution for the purposes of section 3(2)(b) of the Local Government Superannuation Act 1937(a), and any such person shall be deemed to belong to a class or description of persons specified therein to be contributory employees of the Board.

(3) Where immediately before the appointed day it is the prevailing practice of a transferring authority to exercise beneficially (that is to say, so as to secure the payment of gratuities or pensions or of increased pensions or lump sum benefits) any discretionary power exercisable by them by virtue of any enactment or instrument, it shall be the duty of the Board in relation to an officer or a servant transferred to the Board from the transferring authority concerned, if he has continued in the service of that authority without a break of twelve months or more, to exercise that power, or any corresponding power under the statutory provisions relating to pensions for the time being in force, in a way which is not less beneficial than that practice.

(4) Any dispute arising in connection with the provision of the foregoing paragraph shall be referred to arbitration in the manner provided by section 303 of the Act of 1936.

(a) 1937 c. 68.

(5) Any reference in this article to the Local Government Superannuation Acts 1937 to 1953, or to any provision of those Acts, shall be construed as including a reference to those Acts, or to that provision, as the case may be, as having effect by virtue of paragraph 5 of Schedule 7 to the Superannuation Act 1972(a).

14.—(1) Every officer in office on the appointed day who by virtue of this order or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments and for whose compensation for that loss, or any part thereof, no other provision is made by any enactment or any order, rule or regulation made under any enactment for the time being in force shall be entitled to compensation under this order for that loss, or for that part thereof, as the case may be.

Compensation of officers.

(2) Any compensation payable under this order to an officer shall be awarded and paid by the Board and the claim for compensation shall be made by the officer accordingly.

(3) For the purpose of the determination and payment of compensation to officers under this order the provisions set out in Schedule 4 to the Act of 1933 are hereby incorporated in this order.

15.—(1) The Board shall appoint persons to hold the offices of clerk and treasurer (who may be the same person) and manager and shall also appoint such other officers as they think requisite:

Appointment and remuneration of officers.

Provided that no person who is or within twelve months previously was a member of the Board or of a constituent authority may be appointed an officer of the Board.

(2) The person appointed to hold the office of manager shall be a whole-time officer of the Board.

(3) Subject to the provisions of article 13 of this order the Board may pay their clerk and treasurer, manager and other officers such reasonable remuneration as they deem expedient and subject to the provisions of section 121 of the Act of 1933 (which relates to notice of termination and retirement from appointments held during pleasure) as applied by this order, every officer of the Board shall be removable by the Board at their pleasure.

16.—(1) The functions of a local authority under the provisions of the Act of 1937 and the Act of 1961 specified in Schedule 4 to this order shall as from the appointed day be discharged in relation to any sewer through which sewage is conveyed directly or indirectly to the sewage disposal works of or operated by the Board, by the Board and for the purposes of this order the said provisions shall have effect as if for references therein to a local authority, except the first reference thereto in each of the sections 2(1) and 9(1) of the Act of 1937, there were substituted references to the Board and as if for references to the district of a local authority there were substituted references to the united district.

Trade effluents.

(2) Where immediately before the appointed day there is in force in

(a) 1972 c. 11.

relation to the discharge of trade effluent into a public sewer any agreement, notice, consent, direction, condition or charge duly given to or by, or imposed by, a transferring authority or constituent authority under the provisions mentioned in the last preceding paragraph and the sewer is one in respect of which on and after that day functions are exercisable by the Board under this article that notice, consent, direction, condition or charge shall on and after that day be deemed, for the purposes of those provisions as having effect by virtue of this article, to have been given to or by, or imposed by, the Board.

(3) A record of all agreements, notices, consents, directions, conditions and charges to which the last preceding paragraph applies shall be made available to the Board by the transferring authority or constituent authority concerned therewith within one month after the appointed day.

(4) Any payment received by the Board in respect of the reception and disposal of trade effluent discharged into a public sewer of a constituent authority after the appointed day shall be apportioned between the Board and the constituent authority in such proportions as may be agreed between them or, in default of agreement, as shall be determined by the Secretary of State.

(5) (a) In any case where in the opinion of the Board a trade effluent charge assessed in accordance with a trade effluent agreement existing immediately before the appointed day is less than would be the charge therefor if it were assessed by them as at that date in accordance with section 55(2) or section 59(1)(e), whichever is appropriate, of the Act of 1961 the amount of the difference shall be paid to the Board by the constituent council within whose district the trade premises are situated.

(b) If the said constituent council desires to question the Board's assessment of any charge under this article they may refer the matter to arbitration in accordance with article 35 of this order.

Right of
constituent
authorities
to use
sewers of
Board.

17.—(1) As from the appointed day each constituent authority shall be entitled to cause any of the sewers vested in them and draining any part of the united district to communicate with any sewer of or to discharge into any of the sewage disposal works of or operated by the Board:

Provided that no sewers or drains constructed by a constituent authority after the appointed day which will connect directly or indirectly with any sewer of the Board shall be used for conveying surface water except for such period and in accordance with such conditions as may be agreed with the Board or failing agreement determined by the Secretary of State or an arbitrator to be appointed by the President of the Institution of Civil Engineers.

(2) The Board may alter the size or course of any sewer vested in them or may discontinue and prohibit the use of any such sewer or of any of their sewage disposal works either entirely or for the purpose of foul water drainage or for the purpose of surface water drainage, but, before any constituent authority lawfully using such sewer or works for any purpose is deprived by the Board of the use thereof for that purpose, the Board shall provide or make available for the use of such constituent authority other sewers or works or means or facilities equally effective for that purpose and the Board shall at their own expense carry out any work (including alterations in the sewers and sewerage system of such

constituent authority) which may be necessary to make the sewers of such constituent authority communicate with the sewer, works, means or facilities so provided or made available.

(3) Any alterations in the sewers and sewerage system of a constituent authority in pursuance of paragraph (2) of this article shall be such as may be agreed upon between the Board and the constituent authority or failing agreement determined by the Secretary of State and the constituent authority shall afford to the Board such facilities as the Board may require to enable them to make such alterations.

(4) Any constituent authority proposing to construct any new sewer for the purpose of bringing sewage into any sewer or sewage disposal works of or operated by the Board by a new communication with such last-mentioned sewer or works shall two months at least before they commence the construction of such new sewer send to the Board plans and sections showing the proposed place of communication and the proposed level of the intended new sewer at such place of communication and the place of every such communication and the level thereof of every such new sewer shall be such as shall be determined by the Board.

(5) Subject as provided in paragraph (2) of this article all communications between the sewers of a constituent authority and the sewers or works of or operated by the Board shall be made by the Board at the expense of such constituent authority and such communications shall when made be wholly under the control of the Board and the Board shall at their own expense be at liberty at any time to alter any such communication.

18.—(1) In cases in which before the appointed day an agreement has been made under section 28 of the Public Health Act 1875^(a) or under section 28 of the Act of 1936 between two or more constituent authorities or between a constituent authority and any other local authority for the communication of the sewers of one of such authorities (in this article referred to as "the discharging authority") with the sewers of another such authority (in this article referred to as "the receiving authority") the terms and conditions of any such agreement shall as from the appointed day be revised to such extent as may be reasonably necessary (including the making of the Board a party thereto and provision for a payment or periodical payments to be made to or by the Board) having regard to the transfer from any constituent authority to the Board of the obligation of disposing of sewage or to the vesting of any sewers in the Board as provided by this order.

Varying existing agreements.

(2) If any difference arises between the discharging authority and the receiving authority or between any such authority and the Board as to the nature and extent of any such adjustment the same shall be referred to and determined by the Secretary of State.

19.—(1) If the Board desire to dispose to any person, whether absolutely or for a term of years, of any of the lands or sewage disposal works vested in the Board by article 12 of this order as being lands or works not required by the Board for the discharge of their functions under this order, they shall before disposing thereof give to the appropriate constituent authority at least six months' notice in writing stating whether they desire to dispose of such lands or works absolutely and, if not, stating the term of years for which they desire to dispose of them:

Right of pre-emption for constituent authorities in respect of lands and works transferred to Board.

(a) 1875 c. 55.

Provided that where the appropriate constituent authority is not the constituent authority in whom the lands or works were vested prior to the appointed day, such notice shall first be given to that constituent authority.

(2) Where the appropriate constituent authority or, as the case may be, another constituent authority receive a notice under the preceding paragraph and notify the Board before the expiration of the period of six months from the date of receiving the Board's notice that they desire to acquire the lands or works either absolutely or for the term of years specified in the Board's notice, as the case may be, they shall (subject to any necessary consents being obtained in respect of the acquisition by them and the disposal by the Board) have the right and (unless the Board otherwise agree) be under an obligation to acquire the land or works either absolutely or for such term of years as aforesaid, as the case may be, and upon such other terms as may be agreed between the Board and the authority, or, in default of agreement, as may be determined by the Secretary of State to be fair and reasonable having regard to all the circumstances of the case.

(3) Where a constituent authority, other than the appropriate constituent authority, to whom notice has been given pursuant to the proviso to paragraph (1) of this article notify the Board, before the expiration of the period of six months from the date of receiving the Board's notice, that they do not desire to acquire the lands or works, the Board shall before disposing thereof give to the appropriate constituent authority such notice as is provided for by paragraph (1) of this article, and thereupon the appropriate constituent authority shall have the right, and be subject to the obligation, referred to in paragraph (2) of this article.

(4) If the Board discontinue the use of any such lands or works for the exercise of their functions under this order and do not dispose of them they shall at the request of the appropriate constituent authority remove or cause to be removed any disused works situate thereon or comprised therein and clear and make good the site thereof:

Provided that if the Board dispute the reasonableness of complying with such request the question whether or not they shall so comply shall, failing agreement between the Board and the authority, be determined by the Secretary of State.

(5) For the purposes of this article the appropriate constituent authority shall be the constituent authority for the constituent district wherein such lands or works as aforesaid are situate.

As to
powers of
inspection.

20. The Board shall have, after reasonable notice to any constituent authority, the right to inspect and take samples from any sewer of that authority which communicates directly or indirectly with any sewer of the Board, and for the purposes of such inspection and sampling the Board shall have all the powers of the constituent authority in relation thereto.

Application
of section
25 of the
Act of 1936
to sewers
of Board.

21.—(1) Where under section 25 of the Act of 1936 plans of a building or of an extension of a building are, in accordance with building regulations, deposited with a constituent authority and it is proposed to erect the building or the extension, as the case may be, over any sewer vested in the Board which is shown on the map of sewers required by section 32

of the Act of 1936 to be kept deposited at the offices of that constituent authority the constituent authority shall forthwith notify the Board and in making their decision under the said section 25 that authority shall give effect to any representations made by the Board.

(2) The amount of any compensation payable to any person by reason of the exercise by a constituent authority of the powers of the said section 25 in relation to a sewer vested in the Board shall be repaid to such constituent authority by the Board.

22. Without the previous consent of the constituent authorities a transferring authority or constituent authority in carrying on their sewage disposal undertaking until the appointed day shall not, so far as regards so much of their undertaking as is comprised in the transferred undertaking, or the transferred sewer or the works referred to in article 12(3)—

Carrying on of existing undertakings etc.

- (a) enter into any contract or incur any liability extending beyond the appointed day otherwise than in the ordinary course of carrying on their undertaking or the said sewer or works or make any unnecessary or exceptional expenditure; or
- (b) increase the remuneration, salaries, wages or emoluments of their officers in connection with the undertaking or the said sewer or works except in accordance with any contract of service or scale of remuneration or at the instance of any joint industrial council or other wage negotiating body.

23.—(1) The Board may pay reasonable expenses incurred on account of or in connection with—

Payment of expenses.

- (a) the public opening or inspection of the Board's sewage disposal works;
- (b) the provision of refreshments for their representatives and any other persons attending conferences or meetings convened by the Board in connection with the sewage disposal undertaking of the Board; and
- (c) the reception and entertainment of persons representative of or connected with sewage disposal or other public services and the supply of information to any such persons.

(2) The Board may defray any travelling or other expenses reasonably incurred by or on behalf of any members or officers of the Board in making official visits on behalf of the Board:

Provided that the amount defrayed under this paragraph in respect of expenses of any member of the Board shall not exceed the payment which he would have been entitled to receive by way of travelling allowance or subsistence allowance under section 113 of the Local Government Act 1948(a) if the making of the visit had been an approved duty of that member within the meaning of that section.

(a) 1948 c. 26.

(3) The Board may pay reasonable subscriptions, whether annually or otherwise, to the funds of such associations of officers of local authorities and other sewage disposal authorities formed for the purpose of consultation as to the common interests of those authorities and the discussion of matters relating to sewage disposal, as may be approved by the Secretary of State.

(4) The Board may pay reasonable subscriptions, whether annually or otherwise, to the funds of any scientific or other society or body (not carrying on business for profit) which is engaged, or whose members are engaged, in research or the keeping of records of value to sewage disposal authorities and the reasonable expenses of the attendance of any members or officers of the Board at conferences or meetings of any such society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings.

PART V FINANCIAL

Common fund.

24.—(1) Except as otherwise expressly provided by this order, all the receipts of the Board shall be carried to a common fund and all expenses incurred by the Board shall be defrayed out of that fund.

(2) The Board shall make safe and efficient arrangements for the receipt of monies paid to and the issue of monies payable by them and those arrangements shall be carried out under the supervision of the clerk and treasurer of the Board.

Apportionment of estimated deficiency.

25.—(1) The Board shall as soon as may be make or cause to be made estimates of their probable income and expenditure on revenue account for the year beginning on the appointed day.

(2) Before the commencement of each subsequent year the Board shall make or cause to be made estimates of the probable income and expenditure on revenue account during that year making allowances for any estimated credit or debit balance to be brought forward from any previous year.

(3) The Board shall apportion to each constituent authority an amount bearing to the amount (if any) by which the estimates made under either of the two preceding paragraphs show that expenditure will exceed income (hereinafter referred to as "the deficiency") the same proportion as the rateable value for the constituent district of that authority bears to the sum of the rateable values for all the constituent districts:

Provided that before calculating the deficiency there shall be deducted from the estimated cost of the management, operation, repair and maintenance of the Board's undertaking an amount equal to the estimated revenue to be received by the Board for the year in question from trade effluent charges.

(4) For the purposes of the last preceding paragraph the rateable value for a constituent district means the aggregate of the rateable values, as appearing in the valuation list in force on 1st April in the year in which those values fall to be assessed of the hereditaments in that district as

to which it is agreed between the Board and the constituent authority for that district that on the said date they are being drained directly or indirectly into the sewage disposal works of, or operated by, the Board:

Provided that, in respect of any hereditament which is drained for part only of a year, only such proportion of the rateable value thereof as the period of such drainage bears to 365 days shall be taken into account for the purposes of this paragraph in relation to that year.

26.—(1) The Board shall, as soon as may be after the appointed day in respect of the year beginning on the appointed day, and (in relation to subsequent years) before each 1st January in respect of the year next beginning after that date issue a precept to each constituent authority for a sum equal to the amount, if any, apportioned to that authority in pursuance of the last foregoing article. Precepts.

(2) A precept so issued may require payment thereof by such instalments payable on such dates as may be specified therein.

(3) Any sum mentioned in a precept issued under this article by the Board to any constituent authority shall be a debt due from that authority and may be recovered accordingly, without prejudice however to the right of the Board to exercise any powers conferred upon them by section 15 of the General Rate Act 1967(a).

27.—(1) The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member of a constituent authority or by any officer of a constituent authority authorised by that authority for that purpose and shall be subject to audit by a district auditor. Accounts and audit.

(2) A copy of the abstract of the accounts of the Board and of any report to the Board made by the district auditor shall be sent by the Board to each constituent authority as soon as may be after the completion of the audit.

28.—(1) The Board may subject to the provisions of this article, by setting apart in any year out of revenue such sums as they think fit, form and maintain a reserve fund for the purpose of making good in whole or in part any deficiency in the income of the undertaking of the Board or of meeting any extraordinary claim or demand which may at any time be made upon them or defraying the cost of renewing, enlarging or improving any part of the works forming part of the undertaking of the Board. Reserve fund.

(2) Any sums so set apart for the formation or maintenance of a reserve fund may from time to time be invested in statutory securities and subject to the provisions of the next following paragraph any dividends and interest arising from such securities may also be invested in statutory securities so as to accumulate at compound interest for the credit of the fund.

(3) Whenever and so long as the amount standing to the credit of the reserve fund amounts to a sum equal to $7\frac{1}{2}$ per cent. of the capital ex-

penditure theretofore incurred by the Board and by the constituent authorities or the existing Boards upon works comprised in the undertaking of the Board no contributions from the revenue of the said undertaking shall be made to the fund and the interest and dividends on the fund shall not be invested but shall be treated as part of the income of that undertaking.

(4) The amount which, subject to the provisions of the last preceding paragraph, may be carried by the Board in any year to the formation or maintenance of the reserve fund shall not exceed a sum equal to $\frac{1}{2}$ per cent. of the capital expenditure theretofore incurred by the Board and by the constituent authorities or the existing Boards upon the works comprised in the undertaking of the Board.

Capital fund.

29.—(1) Subject to the provisions of this article the Board may form and maintain a capital fund to which they may pay—

- (a) any sums derived from the sale of property of the Board; and
- (b) any income arising from the investment or application of the capital fund.

(2) The Board may use the capital fund for defraying any expenditure to which capital is properly applicable to an amount not exceeding in respect of any one scheme or purpose to which moneys in the said fund are to be applied the sum of £50,000 or such greater sum as may be allowed by the Secretary of State or in providing money for repayment of loans (but not in making any annual payment required to be made in respect of loans).

(3) All moneys which are applied from the capital fund may, if the Board think fit, be repaid from the account to which those moneys are advanced by such instalments (with or without interest) and within such period as the Board may determine.

(4) Pending the application of the capital fund for the purposes authorised by this article, the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(5) Whenever and so long as the amount standing to the credit of the capital fund amounts to the sum of £250,000 or such greater sum as the Secretary of State may allow, payments into the capital fund shall cease.

Powers of constituent authorities to lend money to Board.

30. A constituent authority may lend to the Board any sum which the Board are authorised to borrow on such terms and conditions as may be agreed between the Board and the authority.

Borrowing by Board.

31.—(1) The Board shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the further consent of any sanctioning authority for and in connection with the purposes mentioned in column 1 of the following table the respective sums mentioned in column 2 of the said table and they shall pay off all moneys so borrowed within such periods as the Board may determine not exceeding those respectively mentioned in column 3 of the said table:—

Purpose (1)	Amount (2)	Period for repayment (3)
For providing working capital	£50,000	5 years from the date or dates of borrowing
For payment of the costs, charges and expenses mentioned in article 37 (Costs of order) of this order	The sum requisite	5 years from the appointed day

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this order shall extend and apply to money borrowed under this article as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this article shall as respects that money be the fixed period for the purpose of the said Part IX.

(3) In the application to the Board of Part IX of the Act of 1933 the following provisions shall have effect:—

- (a) unless the person entitled to a mortgage otherwise requests the Board may pay the interest thereon by posting a warrant to that person at his address as shown on the register;
- (b) the Board may from time to time invest temporarily in statutory securities money raised by borrowing and not for the time being applied to or required for the purpose for which it was raised and shall from time to time credit the interest and annual proceeds of those securities to the common fund.

32. The power of any constituent authority to borrow money in respect of any of the works comprised in the transferred undertakings, or of the transferred sewer by virtue of any enactment or consent shall, to the extent to which that power has not been exercised immediately before the transfer of those works by this order, vest upon such transfer in the Board and be exercisable by the Board in respect of those works.

Unexercised borrowing powers.

PART VI

SUPPLEMENTARY

33. Nothing in this order shall release, discharge or suspend any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the appointed day by or in favour of or against any transferring authority in relation to the transferred undertaking or a constituent authority in relation to the transferred sewer and any such action, arbitration or proceeding or cause of action, arbitration or proceeding may be maintained, prosecuted or continued by or in favour of or against the Board.

Continuation of proceedings

34. Subject to the provisions of this order, all sales, conveyances, grants, assurances, deeds, contracts (other than contracts the benefits of and the liabilities under, which are not transferred by this order), bonds, agreements, notices, consents and demands affecting any of the transferred undertakings or the transferred sewer and in force immediately

Savings of agreements, etc.

before the appointed day shall on and from that day be as binding and of as full force and effect in every respect and may be enforced as fully and effectually against or in favour of the Board as if instead of the authority concerned the Board had been a party thereto or bound thereby or entitled to the benefits thereof.

Settlement
of disputes.

35. Subject to the provisions of this order any dispute arising in connection with the provisions of this order between the Board and any constituent authority or between any two or more constituent authorities shall be referred to arbitration in the manner provided by section 303 of the Act of 1936 and where any such dispute is under any provision of this order referred to the Secretary of State for determination the Secretary of State may, at his discretion, refer the same to arbitration in manner aforesaid.

Provision
for Sundays
and public
holidays.

36. When the day on which anything is required by this order to be done is a Sunday, Good Friday, Christmas Day or a bank holiday, that thing shall be done on the next following day not being one of the days before-mentioned.

Costs of
order.

37. All costs, charges and expenses of and incidental to the preparing, obtaining and making of this order shall be paid by the Board out of the common fund or out of moneys borrowed under the authority of this order for that purpose.

SCHEDULE 1

DISSOLUTION OF EXISTING JOINT BOARDS

1. On and after the appointed day the existing Boards shall each subsist only for the purpose of winding up their affairs and carrying into effect the purposes of this order so far as those purposes relate to them, and the members of each of the Boards holding office on the appointed day shall (subject to the incidence of casual vacancies) continue in office for those purposes.

2. As soon as may be after the appointed day each of the said Boards shall proceed to wind up their affairs and on the completion of the winding up they shall by resolution declare that their affairs have been wound up and shall thereupon, by virtue of this order, be dissolved:

Provided that if the Secretary of State is satisfied that the affairs of either of the said Boards have been wound up and that the Board concerned has not passed any such resolution as aforesaid, he may declare that that Board be dissolved and upon such declaration the Board shall, by virtue of this order, be dissolved:

3. The accounts of each of the said Boards and of their committees and officers shall be made up to the date on which that Board are by virtue of this order dissolved and shall be audited in like manner and subject to the like incidents and consequences as if this order had not been made, and any sum certified to be due from any person at such audits shall be paid to the authorities who immediately before the appointed day were constituent authorities of the Board concerned in the proportions mentioned in the next following paragraph.

4.—(1) Any balance remaining in the hands of either of the said Boards after effect has been given to the provisions of this order or any adjustment made in consequence of this order shall be apportioned between, and paid to the Board for distribution by them among the authorities who immediately before the appointed day were the constituent authorities thereof in the proportions in which those authorities were then liable to contribute to the expenses of that Board.

(2) Any financial liability of either of the said Boards outstanding after effect has been given as aforesaid shall be discharged by the Board and any expense incurred in such discharge shall be recoverable by the Board from the authorities who immediately before the appointed day were constituent authorities of the existing Boards whose liability was so discharged in the proportions mentioned in the last preceding paragraph.

SCHEDULE 2

CONSTITUENT AUTHORITIES

CONSTITUENT DISTRICTS AND NUMBERS OF MEMBERS OF THE BOARD

Constituent Authorities (1)	Constituent Districts (2)	Numbers of Members (3)
Sowerby Bridge Urban District Council	The urban district of Sowerby Bridge	10
Hebden Royd Urban District Council	The urban district of Hebden Royd	6
Hepton Rural District Council	The rural district of Hepton	1
Ripponden Urban District Council	The urban district of Ripponden	2
Halifax County Borough Council	Part of the Warley Ward of the county borough of Halifax as shown edged blue on the map	2

SCHEDULE 3

RULES AS TO MEETINGS AND PROCEEDINGS

1. The first meeting of the Board shall be convened by the Clerk of the Sowerby Bridge Urban District Council on such day and at such place as may be fixed by him.

2.—(1) The Board shall in every year hold an annual meeting and at least three other meetings for the transaction of general business which as near as may be shall be held at regular intervals.

(2) The first meeting held after 1st June in any year shall be the annual meeting.

3.—(1) The Board shall at their annual meeting appoint one of their number to be chairman and the chairman shall unless he resigns his office or ceases to be a member of the Board continue in office until his successor is appointed.

(2) The Board may at their annual meeting appoint one of their number to be vice-chairman who shall unless he resigns his office or ceases to be a member of the Board continue in office until immediately after the election of the chairman at the next annual meeting.

4.—(1) On a casual vacancy occurring in the office of chairman or vice-chairman of the Board the vacancy shall be filled by the appointment by the Board of one of their number at a meeting held as soon as practicable after the vacancy occurs and where the office vacant is that of chairman the meeting may be convened by the clerk to the Board.

(2) The person appointed under this rule to fill a casual vacancy shall hold office until the date upon which the person in whose place he is appointed would regularly have retired and he shall then retire.

5.—(1) At a meeting of the Board the chairman if present shall preside.

(2) If the chairman is absent from a meeting of the Board the vice-chairman if present shall preside.

(3) If both the chairman and vice-chairman of the Board are absent such member of the Board as the members present shall choose shall preside.

6.—(1) The chairman of the Board may call a meeting of the Board at any time.

(2) If the chairman refuses to call a meeting of the Board after a requisition for that purpose signed by five members of the Board has been presented to him or if without so refusing the chairman does not call a meeting within seven days after such requisition has been presented to him any five members of the Board on that refusal or on the expiration of the seven days as the case may be may forthwith call a meeting of the Board.

(3) Three clear days at least before a meeting of the Board—

(a) notice of the time and place of the intended meeting shall be published at the offices of the Board and where the meeting is called by

members of the Board the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(b) a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the clerk of the Board shall be left at or sent by post to the usual place of residence of every member of the Board:

Provided that want of service of the summons on any member of the Board shall not affect the validity of a meeting:

Provided also that no business shall be transacted at a meeting called by members of the Board other than that specified in the notice thereof.

7. No business shall be transacted at a meeting of the Board unless at least seven members are present thereat.

8. Sufficient copies of the minutes of proceedings at each meeting of the Board shall be sent to the town clerks and clerks of the constituent authorities within fourteen days after the date of the meeting.

9. An inspector appointed by the Secretary of State shall be entitled to attend any meeting of the Board as and when directed by the Secretary of State and to take part in the proceedings thereat but not to vote at the meeting.

SCHEDULE 4

ENACTMENTS APPLIED TO THE BOARD

Session and Chapter	Short Title	Enactments Applied	Subject Matter
46 & 47 Vict. c. 37	Public Health 1875 (Support of Sewers) Amendment Act 1883	The whole Act	Support of sewers and sewage works in mining districts.
23 & 24 Geo. 5 c. 51	The Local Government Act 1933	Sections 119 to 123 and 125 Sections 157, 158 and 164 to 166 Section 176 Section 266 Section 267 Sections 276, 277 and 278. Section 285(2) Section 286 Section 289 Schedule 3 Part V (paragraphs 1-5)	Officers and offices. Acquisition and disposal of land. Which relates to purchases by agreement. Contracts. Conferences. Legal proceedings. Costs of provisional orders. Services of notices on local authorities, etc. Penalty for destroying notices, etc. Provisions relating to local authorities generally.
26 Geo. 5 & 1 Edw. 8 c. 49	The Public Health Act 1936	Sections 15(1), (2) and (3), 16, 20(1)(b) and (2), 23, 29, 30 and 31 Section 271 Section 272 Section 276 Section 277 Section 278 Sections 279 and 282	Sewerage and sewage disposal. Interpretation of 'Provide'. Power of councils to combine for purposes of Act. Power of local authority to sell certain materials. Power of councils to require information as to ownership of premises. Compensation to individuals for damage resulting from exercise of powers under Act. Breaking open of streets and moving of pipes.

SCHEDULE 4—(cont.)

ENACTMENTS APPLIED TO THE BOARD

Session and Chapter	Short Title	Enactments Applied	Subject Matter
26 Geo. 5 & 1 Edw. 8 c. 49 (cont.)	The Public Health Act 1936 (cont.)	Sections 283 to 286	Notices, etc.
		Sections 287 and 288	Entry and obstruction.
		Section 292	Power to make a charge in respect of establishment expenses.
		Section 293	Recovery of expenses etc.
		Sections 296 to 299	Prosecution of offences etc.
		Sections 300 and 301	Procedures on appeal.
		Section 303	Mode of reference to arbitration.
		Section 304	Saving from disqualification of judges and justices.
		Section 306	Compulsory purchase of land.
		Sections 330 to 334	Savings.
1 Edw. 8 & 1 Geo. 6 c. 40	Public Health (Drainage of Trade Premises) Act 1937	Section 2	Provision with respect to the giving of consents to the discharge of trade effluents into public sewers.
		Section 7	Agreements with traders and local authorities with respect to discharges.
		Section 9	Information to local authorities.
		Section 10	Power to take samples of trade effluents.
9 & 10 Eliz. 2 c. 64	Public Health Act 1961	Section 55	Charges in cases exempted under section 4 of 1937 Act.
		Section 57	Installation of inspection chambers and meters on exempted premises.
		Section 59	Conditions attached under 1937 Act.
		Section 60	Power to vary conditions.

SCHEDULE 4—(cont.)

ENACTMENTS APPLIED TO THE BOARD

Session and Chapter	Short Title	Enactments Applied	Subject Matter
9 & 10 Eliz. 2 c. 64 (cont.)	Public Health Act 1961 (cont.)	Section 62	Postponement of right to discharge in special cases.
		Section 65	Laundries.
		Section 70	Copies of directions by local authorities to be available to the public.
1963 c. 46	Local Government (Financial Provisions) Act 1963	<p>Sections 7(1) and (2) and 10(1) to (4) and (subject to the following modifications) Schedule 1:—</p> <p>(a) for the words from "as may be prescribed by regulations" to the words "created by a local authority" in paragraph 5(1) there shall be substituted the words "as would apply if the regulations for the time being in force under the provisions of this Act with respect to local authority bonds were applicable to the bonds of the Board"; and</p> <p>(b) paragraph 5(2) shall be omitted.</p>	Borrowing.

J. E. Beddoe,

An Under Secretary in the
Department of the Environment

Signed by authority of
the Secretary of State
23rd February 1973