



CHAPTER cxi.

An Act to confirm a Provisional Order of the Minister of Health relating to the borough of Chepping Wycombe. [7th October 1931.]

A.D. 1931.

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 (Chepping Wycombe) Act 1931.

Short title.

[Ch. cxi.] *Ministry of Health* [21 & 22 GEO. 5.]
Provisional Order Confirmation (Chepping Wycombe)
Act, 1931.

A.D. 1931.

SCHEDULE.

BOROUGH OF CHEPPING WYCOMBE.

*Chepping
Wycombe
(Local Acts)
Order.*

Provisional Order altering certain local Acts.

WHEREAS the borough of Chepping Wycombe is an urban district of which the mayor aldermen and burgesses acting by the council are the local authority within the meaning of the Public Health Act 1875;

And whereas the corporation are empowered to carry on a water undertaking and to supply water within limits prescribed by sections 22 and 61 of the Chepping Wycombe Corporation Act 1927;

And whereas by section 156 of the Act of 1927 the corporation are empowered to acquire and hold lands which in their opinion it is desirable they should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough notwithstanding that those lands may not be immediately required and by section 46 of the Chepping Wycombe Borough Extension Act 1880 the corporation are empowered to sell or lease and dispose of land acquired under and not required by them for the purposes of that Act;

And whereas the corporation have acquired certain land within the borough for the purposes of widening opening enlarging or otherwise improving streets and the part of that land which is described in the second schedule to this order is not required for those purposes;

And whereas the corporation have applied to the Minister of Health for the issue of a provisional order to alter the local Acts already recited 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 enabling him in that behalf hereby orders as follows :—

Short title
and com-
mencement.

1. This order may be cited as the Chepping Wycombe (Local Acts Amendment) Order 1931 and shall come into operation on the date of the Act of Parliament confirming it.

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2. In this order—

“the corporation” means the mayor aldermen and burgesses of the borough of Chepping Wycombe acting by the council;

“the existing water limits” means the limits within which the corporation are authorised to supply water by sections 22 and 61 of the Chepping Wycombe Corporation Act 1927; and

“the ordnance map” means the $\frac{1}{2500}$ ordnance map of Buckingham (edition of 1921).

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—
Chepping
Wycombe
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Order.

Interpreta-
tion.

3.—(1) The limits for the supply of water by the corporation shall be extended so as to include in addition to the existing water limits so much of each of the parishes of Bradenham Hughenden and West Wycombe in the rural district of Wycombe and the administrative county of Buckingham as is specified in the first schedule to this order.

Extension of
water limits.

(2) The corporation shall have and may exercise within the area added to the existing water limits by this order all the powers rights privileges and authorities for and in relation to the supply of water and be subject to all the duties and obligations in respect thereof as the corporation now have or are subject to within the existing water limits.

4.—(1) At any time after the corporation commence to supply water by means of the works authorised by any scheme under the Public Works Facilities Act 1930 which may be confirmed by Parliament in the present session they shall within six months after receiving notice in writing from the Wycombe rural district council (in this section called “the council”) requiring them so to do supply to the council in bulk such daily quantity of water as the council shall from time to time require for the supply by them within the Wycombe rural district but not exceeding a total maximum quantity of two hundred and fifty thousand gallons in any one day:

As to supply
of water to
Wycombe
rural dis-
trict council.

Provided that—

(a) if the council give such notice as aforesaid to the corporation they shall take or pay for as taken a minimum quantity of not less than fifty per centum of the total amount for the time being specified in any notice or notices given to the corporation by the council under this section per day; and

(b) the council shall so far as is reasonably practicable utilise and develop their existing sources of supply.

(2) The supply of water to be afforded to the council under this section shall be delivered at the points on the boundary of the area added to the existing water limits where the roads or roadways

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leading from the borough to Stokenchurch and Huntshill respectively cross that boundary or one of those points as may be agreed upon between the corporation and the council or as failing agreement may be determined by arbitration under this section.

(3) The price to be paid by the council to the corporation for the supply of water under this section shall be sevenpence per one thousand gallons :

Provided that either the corporation or the council by giving not less than six months' notice in writing to the other to expire at the end of a period of five years from the date upon which a supply under this section is first afforded and thereafter at the end of each subsequent period of seven years during the continuance of the supply under this section may (if the cost of labour and materials or other circumstances affecting the supply has substantially altered) require a revision of the said price or of any price for the time being substituted therefor under this subsection and thereupon as from the expiration of any such notice the price to be paid by the council shall be a price failing agreement to be determined by arbitration hereunder.

(4) (a) All water supplied to the council under this section shall be measured by meter or other apparatus to be provided and maintained by the council to the reasonable approval of the Corporation at every point at which such supply shall be delivered and each such meter or other apparatus shall be placed in a meter house to be erected and maintained by the Council on a site to be provided by them.

(b) The measurements shown by any such meter or other apparatus shall be accepted as prima facie evidence of the quantity of water supplied by the corporation under this section.

(5) The corporation shall not be liable for any damage loss or expense caused by any failure in the supply of water to the council under this section if such failure shall be occasioned by frost unusual drought or any cause beyond the control of the corporation or during any time when the works of the corporation utilised for the purpose of affording such supply shall be undergoing necessary repairs or cleansing.

(6) All payments for water supplied under this section shall be made quarterly on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in every year and if such payment be not made within one month after the delivery of the account for the same by the corporation the council shall pay interest on the amount due at the rate of six per centum per annum from the date of such delivery to the date of payment.

(7) Subject to the provisions of this section the supply of water to be afforded thereunder to the council shall be given on

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such conditions as may be agreed or failing agreement determined by arbitration under this section. A.D. 1931.

(8) Any dispute or difference arising between the corporation and the council under this section shall unless otherwise agreed be referred to an arbitrator appointed by the Minister of Health on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference. *Chepping Wycombe (Local Acts) Order.*

5.—(1) The corporation may exercise in relation to the lands described in the second schedule to this order— *Power to hold and dispose of land.*

(a) the powers conferred upon them by subsections (1) and (2) of section 156 of the Chepping Wycombe Corporation Act 1927 as if those lands had been acquired by them under that section; and

(b) the powers conferred upon them by section 46 of the Chepping Wycombe Borough Extension Act 1880 as if those lands had been acquired by them under that Act and were not required by them for the purposes of that Act;

subject nevertheless to the obligation imposed on the corporation by subsection (2) of section 157 of the Act of 1927 where land is appropriated by the corporation to any undertaking or to any of their powers and duties.

(2) Subsection (3) of section 156 of the Chepping Wycombe Corporation Act 1927 (which relates to the application of capital moneys received on the re-sale exchange or leasing of lands) shall extend to any capital moneys received by the corporation in consequence of an exercise of the powers conferred by this section with this modification that the reference in paragraph (a) of that subsection to any loan raised by the corporation under the powers of that Act shall be read as a reference to any loan raised by the corporation under any statutory borrowing power as defined in subsection (2) of section 4 of the Act of 1927.

SCHEDULES.

FIRST SCHEDULE.

Area added to the existing water limits.

(1) So much of the parish of Bradenham as lies to the south of a straight line drawn from the point where the boundaries of the parishes of West Wycombe Bradenham and Saunderton

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—
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(2) So much of the parish of Hughenden as lies to the south of a straight line drawn from the western corner of Oaks Wood Hunts Hill to the point of junction in the Wycombe and Amersham Road of the boundaries of the parishes of Hughenden Penn and Chepping Wycombe Rural.

(3) The whole of the parish of West Wycombe except so much thereof as lies to the west south-west and south of an imaginary line commencing on the boundary of the parish of Great Marlow at the most easterly point of the enclosure numbered 132 on the ordnance map sheet XLVI.7 thence in a north-easterly direction to the most easterly point of the enclosure numbered 528 on the ordnance map sheet XLVI.3 thence in a north-westerly direction to the western boundary of the enclosure numbered 210 on the ordnance map sheet XLI.15 at the point where the boundary of the parishes of West Wycombe and Stokenchurch intersects the public footpath on the western side of the said enclosure.

SECOND SCHEDULE.

*Lands which the corporation are authorised to deal with
by this order.*

A piece of land containing one rood six perches or thereabouts situate at the corner of Crendon Street and Castle Street in the borough of Chepping Wycombe bounded on the north and east by property of the corporation on the south in part by property of William Arthur Steevens and in part by property of Mrs. Anna Hurtle Brazil and on the west by property of the Roman Catholic Church of Saint Augustine which piece of land is coloured pink on the duplicate plans marked "Plan referred to in the Chepping Wycombe (Local Acts Amendment) Order 1931" and sealed with the official seal of the Minister of Health one of those plans being deposited in the office of the Minister of Health and the other in the office of the corporation.

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