



CHAPTER xxiv.

An Act to confirm a Provisional Order of the Minister of Health relating to the East Elloe Joint Water Supply District.

A.D. 1931.

[11th June 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 (East Elloe Joint Water Supply District) Act 1931.

Short title.

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S C H E D U L E.

EAST ELLOE JOINT WATER SUPPLY DISTRICT.

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

WHEREAS the district councils named in column 2 of the first schedule to this order are the local authorities for their districts for the purposes of the Public Health Act 1875 and have applied to the Minister of Health for a provisional order forming their districts into a united district for the purpose of procuring 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 East Elloe Joint Water Order 1931 and shall come into operation on the day on which this order is confirmed by Act of Parliament.

Interpreta-
tion.

- 2.—(1) In this order unless the context otherwise requires—
- “ Constituent council ” means a district council named in column 2 of the first schedule to this order ;
 - “ Constituent district ” means a district named in column 1 of the first schedule to this order ;
 - “ The appointed day ” means the date of the Act of Parliament confirming this order ;
 - “ The deposited plan ” means the plan which was deposited for the purposes of this order at the office of the Minister on the second day of December nineteen hundred and thirty and of which copies were on the same day deposited in the office of the Clerk of Parliaments House of Lords and the Committee and Private Bill Office of the House of Commons ;
 - “ The joint board ” means the East Elloe Joint Water Supply Board constituted by this order ;
 - “ The Minister ” means the Minister of Health ;
 - “ The united district ” means the East Elloe Joint Water Supply District formed by this order.

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Number and
qualification
of elective
members.

6. 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 council 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.

First elec-
tion of
members of
joint board.

7.—(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 after the appointed day or within such further time as the Minister may allow and not less than 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.

(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 name address and occupation of each person elected by that constituent council as a member of the joint board.

Tenure of
office of
members.

8.—(1) An elective member of the joint board shall continue in office until the expiration of the period for which he was elected a member of the joint board or until he dies or resigns or ceases to be a member of the constituent council by whom he was elected or otherwise becomes disqualified or until he becomes ex officio a member of the joint board :

Provided that a member of the joint board shall not for the purposes of this order be deemed to have ceased to be a member of a constituent council by retirement if before the day of his retirement as a councillor he has been re-elected a councillor.

(2) Any elective member of the joint board who ceases to hold office by reason of the expiration of his period of office or by reason of his resignation or disqualification or by ceasing to be a member of the constituent council by whom he was elected 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.

Filling of
casual
vacancies.

9.—(1) Any vacancy occurring among the elective members of the joint board by death resignation disqualification or otherwise shall be filled by the constituent council in whose representation the vacancy has occurred at a meeting to be held within six weeks after 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 name address and occupation of any person elected under this section to fill a casual vacancy.

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(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.

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PART II.

FORMATION OF UNITED DISTRICT AND CONSTITUTION
OF JOINT BOARD.

3. The constituent districts shall be formed into a united district to be called the East Elloe Joint Water Supply District for the purposes of procuring a common supply of water for the constituent districts and conveying such a supply to places from which it may be conveniently taken for distribution by the constituent councils.

Formation
of united
district.

4. The Joint Board shall consist of six elective members and four members ex-officio and shall be called the East Elloe Joint Water Supply Board.

Constitution
and name of
joint board.

5.—(1) The elective members of the joint board shall be elected by the constituent councils.

Elective
members and
members
ex-officio.

(2) Any person who for the time being holds the office of chairman of any constituent council shall subject to the provisions of this order be ex-officio a member of the joint board.

(3) If the chairman of any constituent council—

(a) is unwilling to act ex-officio as a member of the joint board; or

(b) is disqualified or becomes disqualified as a member of the joint board;

he shall send the clerk to the joint board an intimation in writing of his unwillingness to act or disqualification (as the case may be) and thereupon the vice-chairman of that constituent council unless he is disqualified for being a member of the joint board shall become the member of the joint board who ex-officio represents that constituent district.

(4) If any person shall be appointed chairman of more than one constituent council he shall (unless he is unwilling to act as or is disqualified for being a member of the joint board) inform the clerk to the joint board in writing of the name of the constituent district which he desires to represent ex-officio as a member of the joint board and the vice-chairman of the council of the constituent district not so selected (unless he is disqualified for being a member of the joint board) shall thereupon become the member of the joint board who ex-officio represents that constituent district.

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10. Such of the provisions of section 46 of the Local Government Act 1894 and section 10 of the Local Government Act 1929 as relate to disqualification for being elected or being a member of the council of a district other than a borough and to absence from meetings of any such council shall with the necessary modifications extend to disqualification for being elected or being a member of the joint board and to absence from meetings of the joint board.

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Disqualifica-
tion for
membership
of the joint
board and
absence from
meetings.

11.—(1) The first meeting of the joint board shall be held at such time and at such place as may be fixed by the Minister.

Meetings.

(2) Subsequent 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.

(3) 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.

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

(5) 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 may direct.

12. 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.

Chairman.

13.—(1) The joint board may appoint committees consisting of their members 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 :

Committees.

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

(2) The provisions of part four of the first schedule to the Local Government Act 1894 so far as those provisions are applicable shall extend to any committee appointed in pursuance of this section.

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PART III.

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POWERS AND DUTIES OF THE JOINT BOARD.

Application
of enact-
ments.

14.—(1) For the purposes of procuring a common supply of water for the constituent districts and conveying such a supply to places from which it may conveniently be taken for distribution by the constituent councils the joint board shall exercise and perform and be subject to all the powers duties and liabilities of an urban authority under the enactments mentioned in the second schedule to this order and those enactments shall extend to the joint board with such modifications as may be necessary to make them applicable to the purposes of this order to the joint board and to the united district :

Provided that section 258 of the Public Health Act 1875 as applied by this section shall be modified by the insertion in that section after the words "local authority" of the words "or joint board" and after the words "such authority" of the words "or joint board."

(2) Nothing in this order shall affect the powers of a constituent council under any enactment applied to the joint board by this section except so far as the powers duties or liabilities under the enactment are within the purposes for which the joint board are formed as described in subsection (1) of this section.

Constituent
councils
entitled to
water
supply.

15.—(1) Subject to the provisions of this order each of the constituent councils shall be entitled to receive a supply of water from the joint board sufficient for the requirements of the council as respects the supply of water for public and private purposes and shall be entitled to have their distributing mains or other works connected with the works of the joint board.

(2) The joint board shall furnish the supply of water to each of the constituent councils by measure and shall deliver it at a pressure sufficient to meet the reasonable needs of every part of the united district at a point or points within the constituent district to be determined by agreement between the joint board and the constituent council or in case of dispute by the Minister whose determination shall be final.

Connection
between
works of
joint board
and consti-
tuent
councils.

16.—(1) The connection between the distributing main or other works of any constituent council and the works of the joint board shall unless the joint board and the constituent council otherwise agree be made by the joint board at the expense of the constituent council and the joint board may recover summarily as a civil debt the reasonable expenses incurred by them in making any such connection.

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(2) Any such connection shall when made be wholly under the control of the joint board who shall at their own cost be entitled at any time to alter any such connection.

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(3) Any constituent council proposing to construct new distributing mains or other works for the distribution of water which are intended to be connected directly with any of the works of the joint board shall two months at least before they commence the construction of the works send the joint board plans and sections showing the proposed points of connection the proposed level at such places of the intended new distributing main or other work and such other particulars as the joint board may require in relation to such main work or connection and the point of every such connection and the level thereat of every such new distributing main or other work shall be such as shall be agreed between the constituent council and the joint board or in case of dispute as shall be determined by the Minister whose decision shall be final.

17.—(1) Any meter for measuring the water supplied to a constituent council shall at the expense of the joint board be provided fixed and kept in proper order for correctly registering the supply of water by the joint board and shall be wholly under the control of the joint board but any member or officer appointed for the purpose by the constituent council shall at all reasonable hours have access to the meter for the purpose of inspection.

Meters.

(2) If at any time any such meter shall not be in proper order or shall be removed for repair renewal or any other reason the daily quantity of water supplied to the constituent council concerned at the point where such meter is or has been fixed during the time when the meter is not in order or is removed shall be deemed to be an amount equal to the average daily quantity supplied to that constituent council at that point during the corresponding days of the preceding year or (if the meter shall not be in such proper order or is removed at any time during the period of twelve months after the joint board commences to supply water to the constituent council) an amount equal to the average daily quantity previously supplied to that constituent council at that point and the constituent council shall make payments to the joint board accordingly.

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

Appoint-
ment and
remunera-
tion of
officers.

(2) The joint board may pay their treasurer clerk and other officers and servants such reasonable remuneration as they deem expedient and every such treasurer clerk and other officer or servant shall hold office upon the terms on which he was appointed by the joint board.

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FINANCIAL.

Payment for
water
supplied.

19. Each constituent council shall pay the joint board for the water supplied to them at the same rate as that at which the joint board pay for the water supplied in bulk to the joint board and any sum which by virtue of this section is due from a constituent council may be recovered by the joint board summarily as a civil debt.

Common
fund of
joint board.

20.—(1) All the expenses incurred by the joint board shall be defrayed out of a common fund to which all the receipts of the joint board (including the sums payable by any constituent council for water supplied to them by the joint board) shall be carried.

(2) So far as the common fund is not provided by the receipts referred to in subsection (1) of this section precepts shall be issued by the joint board in respect of each financial half-year to each constituent authority requiring them to pay a contribution to the common fund and the contribution shall be based on the proportion which the population of the part of the constituent district coloured pink on the deposited plan bears to the population of that part of the united district so coloured on that plan.

(3) The population of the part of any constituent district mentioned in the preceding subsection of this section shall for the purposes of this section be ascertained as follows :—

(a) During the period of six years commencing on the appointed day the population shall be that shown opposite the name of the constituent district in the third schedule to this order ;

(b) During the period of five years commencing on the expiration of the period mentioned in paragraph (a) of this subsection and during each succeeding period of five years the population shall be the population existing at the commencement of the period as agreed by the constituent councils or in case of dispute settled by arbitration in the manner provided in this order.

(4) The Minister may on the application of any constituent council or of the joint board by order vary the mode of contribution or the proportions of contributions prescribed by this section.

Sums pay-
able by
East Elloe
Council to
be special
expenses.

21. Subject to the provisions of sections 56 and 57 of the Local Government Act 1929 any sums payable under this order to the joint board by the rural district council of East Elloe in so far as those sums may not be met from water rents or water rates payable by water consumers to the rural district council

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shall be defrayed as special expenses on the contributory places to which a supply of water is for the time being afforded by the joint board. A.D. 1931.
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22. Any sums payable under this order to the joint board by any urban district council which is a constituent council shall in so far as those sums may not be met from water rents or water rates payable by water consumers to the urban district council be defrayed as part of the expenses of the urban district council in the execution of the Public Health Acts 1875 to 1926. Expenses of urban district councils.

23. The joint board shall defray from their common fund any reasonable costs charges and expenses which may have been incurred by the constituent councils before the appointed day under or in connection with any agreements or arrangements preliminary to the constitution of a joint board for the united district. Expenses of constituent councils incurred before appointed day.

24. All orders for payments from the common fund of the joint board shall be signed by at least two members of the joint board and shall be countersigned by the clerk to the joint board or in his absence or inability by such other officer as the joint board may authorise. Orders for payments.

25. The accounts of the joint board shall at all reasonable times be open to inspection and transcription free of charge by any member of a constituent council or by any officer of a constituent council authorised by that council for that purpose. Inspection of accounts.

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

SUPPLEMENTARY.

27.—(1) If at any time—

- (a) any new district is formed which comprises the whole or any part of a constituent district or the boundaries of a constituent district are otherwise altered ;
- (b) a constituent district is created or included in a municipal borough ; or
- (c) any alteration is made in the law affecting the united district or the joint board or a constituent district or constituent council in matters touching their relation to the united district or the joint board ;

Power of Minister to adapt this order on alterations of boundaries &c.

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— constituent council by order provide for the adaptation of this
East Elloe order to the altered circumstances.
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(2) If on an application made by the joint board or any constituent council it shall appear to the Minister that the population of any constituent district has so increased as to render the representation of the council of that district on the joint board inadequate the Minister may by order provide for the appointment of additional members of the joint board by such council.

(3) Every order under this section shall be published by the joint board in such manner as the Minister may direct.

Settlement
of differ-
ences.

28. Subject to the provisions of this order any difference arising under this order shall be referred to arbitration in the manner provided by the Public Health Act 1875 and the provisions of that Act relating to arbitrations 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.

Inquiries and
expenses.

29.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary for the purposes of this order and those inspectors shall for the purposes of any inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) Where the Minister causes any such inquiry to be held the costs incurred by the Minister in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as the Minister may determine for the services of any inspector or officer of the Minister engaged in the inquiry) shall according as the Minister may direct be paid by the joint board or any constituent council and the Minister may certify the amount of the costs so incurred and any sum so certified and directed by the Minister to be so paid shall be a debt due to the Crown.

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SCHEDULES.

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FIRST SCHEDULE.

CONSTITUENT DISTRICTS CONSTITUENT COUNCILS AND NUMBER
OF MEMBERS OF THE JOINT BOARD.

1.	2.	3.	4.
Name of district.	Name of district council.	Number of ex officio members.	Number of elective members.
The urban district of Holbeach.	The urban district council of Holbeach.	1	1
The urban district of Long Sutton.	The urban district council of Long Sutton.	1	1
The urban district of Sutton Bridge.	The urban district council of Sutton Bridge.	1	1
The rural district of East Elloe.	The rural district council of East Elloe.	1	3
	Total	4	6

SECOND SCHEDULE.

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 55 - Section 57 in so far as it incorporates with the Public Health Act 1875 sections 28 to 34 and sections 59 to 67 of the Waterworks Clauses Act 1847 and sections 3 to 11 and sections 20 and 21 of the Waterworks Clauses Act 1863.	Powers in relation to water supply. Incorporation of Waterworks Clauses Acts 1847 and 1863.

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Session and chapter.	Short title.	Enactments applied.	Subject-matter.
38 & 39 Vict. c. 55.	The Public Health Act 1875.	<p>Sections 59 and 60 - -</p> <p>Section 61 - - -</p> <p>Section 63 - - -</p> <p>Section 68 - - -</p> <p>Sections 173 and 174 except subsection (3) of section 174.</p> <p>Sections 175 to 177 -</p> <p>Sections 179 to 181 -</p> <p>Sections 192 to 197</p> <p>Section 205 - - -</p> <p>Sections 245 and 247 (as amended by the District Auditors Act 1879 section 58 of the Local Government Act 1894 section 61 of the Finance Act 1921 and the Audit (Local Authorities) Act 1927).</p> <p>Section 249 - - -</p> <p>Section 250 - - -</p> <p>Sections 251 253 254 258 to 262 and 265.</p> <p>Sections 266 and 267 -</p> <p>Section 269 (as amended by the Summary Jurisdiction Act 1884).</p> <p>Section 285 - - -</p> <p>Section 298 - - -</p> <p>Sections 299 to 302 -</p> <p>Section 305 - - -</p>	<p>Meters.</p> <p>Supply to adjoining districts.</p> <p>Supply by water company and sale or lease of company's waterworks to local authority.</p> <p>Penalty for fouling water.</p> <p>Contracts.</p> <p>Purchase and disposal of lands.</p> <p>Arbitration.</p> <p>Officers and offices.</p> <p>Attendance of inspectors at meetings.</p> <p>Accounts and audit</p> <p>Taxation of bills of costs.</p> <p>Accounts of officers.</p> <p>Recovery of penalties and legal proceedings.</p> <p>Notices.</p> <p>Appeals to quarter sessions.</p> <p>Works in adjoining district and power to combine.</p> <p>Costs of provisional orders.</p> <p>Local authorities in default.</p> <p>Power of entry on lands.</p>

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Session and chapter.	Short title.	Enactments applied.	Subject-matter.	A.D. 1931. — <i>East Elloe Order.</i>
38 & 39 Vict. c. 55.	The Public Health Act 1875.	Section 306 (as amended by section 48 of the Public Health Acts Amendment Act 1890). Section 307 - - - Section 308 - - - Section 309 - - - Sections 327 to 329 -	Penalty for obstructing execution of Act and for destruction of notices &c. Penalty for damaging works &c. Compensation for damage by local authority. Compensation to officers. Works affecting Government property or works for drainage of land rivers canals docks water-courses &c.	
47 & 48 Vict. c. 74.	The Public Health (Officers) Act 1884.	The whole Act - - -	Restriction on recovery of penalties under section 193 of the Public Health Act 1875.	
48 & 49 Vict. c. 53.	The Public Health (Members and Officers) Act 1885.	Sections 1 and 2 - - -	Amendment of section 193 of the Public Health Act 1875.	
15 & 16 Geo. 5. c. 71.	The Public Health Act 1925.	Section 78 - - -	Notices as to water reservoirs and objections.	

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THIRD SCHEDULE.

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POPULATION OF PARTS OF CONSTITUENT DISTRICTS AS ESTIMATED
FOR THE PURPOSE OF CONTRIBUTIONS TO THE JOINT BOARD.

Constituent District.	Population.
The urban district of Holbeach - - -	2,827
The urban district of Long Sutton - - -	2,267
The urban district of Sutton Bridge - - -	1,908
The rural district of East Elloe - - -	2,025

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