

[21 & 22 GEO. 5.]      *Ministry of Health*      [Ch. lxxvi.]  
*Provisional Order Confirmation (Yeadon Water)*  
*Act, 1931.*



CHAPTER lxxvi.

An Act to confirm a Provisional Order of the Minister of Health relating to Yeadon Water. A.D. 1931.  
[31st July 1931.]

WHEREAS under the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 the Minister of Health has made a provisional order which needs confirmation by Parliament : 33 & 34 Vict. c. 70. 36 & 37 Vict. c. 89.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The order of the Minister of Health which is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Yeadon Water) Act 1931. Short title.

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SCHEDULE.

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YEADON WATER.

*Yeadon  
Waterworks  
Order.*

*Provisional Order under the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 empowering the Yeadon Waterworks Company to increase their borrowing powers and for other purposes.*

The Minister of Health in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows :—

Short and  
collective  
titles.

1. This order may be cited as the Yeadon Waterworks Order 1931 and the Yeadon Waterworks Acts 1870 to 1927 and this order may be cited together as the Yeadon Waterworks Acts and Order 1870 to 1931.

Commence-  
ment of  
order.

2. This order shall come into operation upon the date of the Act of Parliament confirming it.

Incorpora-  
tion of cer-  
tain Acts.

3.—(1) In so far as the same are applicable to the purposes of this order the provisions of—

(a) The Companies Clauses Consolidation Act 1845 (except sections 56 to 60 and section 65 of that Act) as amended by the Companies Clauses Consolidation Act 1888; and

(b) Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869;

shall except where expressly varied by this order be incorporated with this order.

(2) In the construction of the enactments so incorporated with this order the expression “special Act” shall be read as a reference to this order and the expression “company” shall mean the Yeadon Waterworks Company.

Interpreta-  
tion.

4.—(1) In this order unless the context otherwise requires—

“the Act of 1870” means the Yeadon Waterworks Act 1870;

“the Act of 1889” means the Yeadon Waterworks Act 1889;

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- “ the Act of 1916 ” means the Yeadon Waterworks Act 1916; A.D. 1931.  
 “ the Act of 1927 ” means the Yeadon Waterworks Act 1927; *Yeadon Waterworks Order.*  
 “ the commencement of this order ” means the date upon which this order comes into operation;  
 “ the company ” means the Yeadon Waterworks Company;  
 “ the local Acts ” means the Act of 1870 the Act of 1889 the Act of 1916 and the Act of 1927;  
 “ the Minister ” means the Minister of Health;  
 “ the undertaking ” means the undertaking of the company as authorised for the time being;  
 “ the water limits ” means the limits for the time being within which the company are authorised to supply water.

(2) The several words terms and expressions to which by the Acts incorporated with this order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this order the same respective meanings.

5. The Yeadon Waterworks Company incorporated by the Act of 1870 shall be the undertakers for the purposes of this order. Undertakers.

6.—(1) Notwithstanding anything in the local Acts and the Acts incorporated with this order the company may at any time after the commencement of this order and without obtaining the certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845 borrow on mortgage in respect of the capital raised by them before the commencement of this order by the issue of shares or stock sums not exceeding in the aggregate forty-nine thousand three hundred and sixty-four pounds : Additional powers of borrowing in respect of existing and authorised capital.

Provided that the aggregate of any mortgages granted or debentures issued under the local Acts which may be outstanding at the commencement of this order shall for the purpose of the limit of borrowing be deemed to be sums raised by mortgage under the authority of this section.

(2) The company may in respect of any further capital raised by them after the commencement of this order by the issue of shares or stock under the powers of the local Acts borrow on mortgage any sums not exceeding in the whole three-fourths of the further capital (including premiums) so raised :



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Provided that no sum shall be borrowed in respect of such further capital until the company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the capital at the time issued together with the premium (if any) realised on the sale thereof has been fully paid up.

(3) Section 32 of the Act of 1916 and section 10 of the Act of 1927 which empower the company to borrow on mortgage are hereby repealed in so far as the powers conferred by those sections have not been exercised at the commencement of this order.

Power to  
create  
debenture  
stock or  
redeemable  
debenture  
stock.

7.—(1) Subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the company may create and issue debenture stock to the extent authorised by those Acts or in lieu of debenture stock the company may create and issue the stock as redeemable debenture stock under and subject to the provisions of section 38 of the Act of 1916.

(2) Section 30 of the Act of 1870 section 34 of the Act of 1889 and section 35 of the Act of 1916 are hereby repealed.

(3) So much of the Act of 1927 as authorises the creation and issue of debenture stock and applies sections 35 and 38 of the Act of 1916 is hereby repealed.

Priority of  
principal  
moneys of  
existing  
mortgages or  
debentures.

8. The principal moneys secured by all mortgages or debentures subsisting at the commencement of this order which may have been granted by the company under the local Acts shall during the continuance of those mortgages or debentures have priority over the principal moneys secured by any mortgages granted by the company under the authority of this order.

Priority of  
interest over  
principal  
moneys.

9.—(1) Notwithstanding anything in the Acts incorporated with this order the interest of all debenture stock created and issued by the company and of all mortgages and debentures of the undertaking shall rank *pari passu* without regard to the dates of the securities or of the Acts of Parliament or resolutions by which the debenture stock mortgages and debentures were authorised and shall have priority over all principal moneys secured by such debenture stock mortgages or debentures.

(2) Notice of the effect of this enactment shall be endorsed on all mortgages and debentures and certificates of debenture stock granted or issued by the company.

Extension of  
6 & 7 Geo. 5.  
c. xlvi. s. 36.

10. Section 36 of the Act of 1916 which confers a priority on money raised by the company on mortgage or debenture stock under the provisions of the Act of 1916 over all other claims on account of any debts incurred or engagements entered by the



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company after the passing of that Act shall extend to all money raised by the company on mortgage debenture stock or redeemable debenture stock under the provisions of this order and for the purposes of this section the reference in section 36 of the Act of 1916 to the passing of that Act shall be read as a reference to the passing of the Act confirming this order.

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11. All moneys raised under this order including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of debentures debenture stock or redeemable debenture stock under the provisions of this order shall not be considered as part of the capital of the company entitled to dividend or interest.

Application  
of moneys.

12. Subsection (2) of section 11 of the Act of 1927 which provides for the enforcement of arrears of interest or principal or principal and interest due on mortgages of the undertaking shall apply as if that subsection were repeated in this order.

Appoint-  
ment of  
receiver.

13.—(1) At any time within three months before and three months after the coming into force within the water limits of any new valuation list under the Rating and Valuation Acts 1925 to 1929 the company or any local authority having jurisdiction within the water limits may apply to the Minister for a revision of the rates and charges for the supply of water authorised by the local Acts or by any order of the Minister made under this section (which rates and charges are in this section called "the water rates and charges") and if the Minister is satisfied that the cost of labour and materials or any other circumstance affecting the undertaking has so altered as to justify a revision of the water rates and charges he may by order subject to the provisions of subsections (3) and (4) of this section vary any of them either by way of increase or decrease.

Revision of  
water rates  
and charges.

(2) The making of any new valuation list under the Rating and Valuation Acts 1925 to 1929 for any area wholly or in part comprised within the water limits shall be deemed to be a circumstance affecting the undertaking within the meaning of this section.

(3) An order made under this section may alter the basis of any of the water rates and charges and the ratio of any particular water rate or charge to any other water rate or charge and if the Minister thinks fit the order may revoke the water rates and charges applying to baths and water-closets and authorise a rate or rates for a supply of water for domestic purposes which will include water supplied for use in baths and water-closets.

(4) The rates and charges prescribed by an order made under this section shall be such as to provide (after paying all proper expenses of and in connection with the working management

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—  
*Yeadon  
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Inquiries and  
expenses.

14.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary for the purposes of the preceding section 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 him 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 be paid by the company or such local authority as the Minister may direct and the Minister may certify the amount of the costs so incurred and any sum so certified and directed by the Minister to be paid by the company or any local authority shall be a debt due to the Crown from the company or that local authority.

Costs of  
order.

15. All costs charges and expenses of and incidental to the application for this order and the preparation making and confirmation of this order shall be paid by the company and may in whole or in part be charged against revenue and if wholly charged against revenue may be spread over a period not exceeding five years.

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