

[21 & 22 GEO. 5.] *Ministry of Health* [Ch. lxxx.]
Provisional Orders Confirmation (Godalming and
Scunthorpe and Frodingham) Act, 1931.



CHAPTER lxxx.

An Act to confirm certain Provisional Orders of the Minister of Health relating to Godalming and Scunthorpe and Frodingham. A.D. 1931.
—
[31st July 1931.]

WHEREAS under the provisions of the Public Health Act 1875 the Minister of Health has made certain provisional orders which need 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 orders of the Minister of Health which are set out in the schedule to this Act are 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 Orders Confirmation (Godalming and Scunthorpe and Frodingham) Act 1931. Short title.

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SCHEDULE.

BOROUGH OF GODALMING.

*Godalming
Order.*

*Provisional Order amending a local Act and certain
confirming Acts.*

WHEREAS the borough of Godalming is an urban district and the mayor aldermen and burgesses acting by the council are in relation to the borough the local authority for the purposes of the Public Health Act 1875 and under the provisions of the Godalming Corporation Water Act 1899 as amended by certain provisional orders duly confirmed by Parliament carry on a water undertaking and supply water within the borough and certain other areas;

And whereas by section 2 of the local Act of 1899 the provisions (inter alia) of section 70 of the Waterworks Clauses Act 1847 which provides that water rates shall be paid quarterly and section 71 of the said Act of 1847 which provides that parties giving notice to discontinue use of water or removing shall pay to the next quarter day are incorporated with and form part of the local Act;

And whereas the Corporation have applied to the Minister of Health for the issue of a provisional order to amend the local Act of 1899 in the manner following :

Now therefore the Minister of Health in pursuance of his powers under section 303 of the Public Health Act 1875 and of all other powers enabling him in that behalf hereby orders as follows :—

Short title,
commence-
ment and
interpreta-
tion.

1.—(1) This order may be cited as the Godalming Order 1931 and shall come into operation on the date of the Act of Parliament confirming it.

(2) In this order—

“the Corporation” means the mayor aldermen and burgesses of the borough of Godalming acting by the council; and

“water rates” means and includes rates rents and charges payable to the Corporation for a supply of water.

Water rates
payable
half-yearly
in advance.

2. Notwithstanding anything in the Godalming Corporation Water Act 1899 or the provisions of the Waterworks Clauses Act 1847 as incorporated therewith the Corporation may demand

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the water rates by half-yearly instalments in advance on the first day of April and the first day of October in each year : A.D. 1931.

Provided that—

—
*Godalming
Order.*

- (i) No water rates so demanded shall be recoverable by the Corporation until the expiration of two months after the day upon which the Corporation are empowered to demand them under this section; and
- (ii) any person who shall occupy any premises during part only of any half-year in respect of which the water rates are so demanded shall be liable for a part of such rates proportionate to that part of the half-year and if any such person shall have paid to the Corporation a greater part of the water rates the balance shall be refunded to him by the Corporation.

URBAN DISTRICT OF SCUNTHORPE AND
FRODINGHAM.

Provisional Order altering certain local Acts and Orders.

*Scunthorpe
and
Frodingham
Order.*

WHEREAS the urban district council of Scunthorpe and Frodingham are the local authority for the purposes of the Public Health Act 1875 for the urban district of Scunthorpe and Frodingham;

And whereas under the provisions of the Scunthorpe Urban District Gas and Water Acts 1899 to 1912 and the Scunthorpe Order 1907 and the Scunthorpe and Frodingham Order 1922 which were respectively confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1907 and by the Ministry of Health Provisional Orders Confirmation (No. 5) Act 1922 the council carry on a water undertaking and in connection therewith are empowered to acquire lands and to make and maintain waterworks;

And whereas it is enacted by section 14 of the Scunthorpe Urban District Water Act 1912 that subject to the provisions of that Act the council in addition to any other lands which they are by that Act authorised to acquire may by agreement purchase or take on lease and hold further lands for the purposes of the water undertaking but the quantity of lands held by the council in pursuance of that section shall not at any time exceed ten acres;

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| A.D. 1931. — <i>Scunthorpe and Frodingham Order.</i> | <p>And whereas the council have applied to the Minister of Health for the issue of a provisional order to alter or amend the said local Acts and orders in the manner following :</p> <p>Now therefore the Minister of Health in pursuance of the powers given to him by sections 297 and 303 of the Public Health Act 1875 and of all other powers enabling him in that behalf hereby orders as follows :—</p> |
| Short titles and com- mencement. | <p>1.—(1) This order may be cited as the Scunthorpe and Frodingham Order 1931 and this order the Scunthorpe Order 1907 and the Scunthorpe and Frodingham Order 1922 may be cited together as the Scunthorpe and Frodingham Orders 1907 to 1931.</p> <p>(2) This order shall come into operation on the date of the Act of Parliament confirming it.</p> |
| Interpreta- tion. | <p>2. In this order unless the context otherwise requires—</p> <p>“ the deposited plan ” means the plan which was deposited for the purposes of this order in the office of the Minister on the thirtieth day of October nineteen hundred and thirty and of which duplicates were on the twenty-eighth day of the same month deposited in the office of the Clerk of Parliaments House of Lords and in the Committee and Private Bill Office of the House of Commons ;</p> <p>“ the local Acts and orders ” means the Scunthorpe Urban District Gas and Water Acts 1899 to 1912 the Scunthorpe Order 1907 and the Scunthorpe and Frodingham Order 1922 ;</p> <p>“ the Minister ” means the Minister of Health ;</p> <p>“ the rural council ” means the rural district council of Glanford Brigg ;</p> <p>“ the urban council ” means the urban district council of Scunthorpe and Frodingham ; and</p> <p>“ the water undertaking ” means the water undertaking of the council under the local Acts and orders.</p> |
| Acquisition and letting of Wressle Farm. | <p>3.—(1) The urban council may acquire by agreement and subject to the provisions of this section may hold for the purpose of the water undertaking the lands and buildings thereon known as Wressle Farm situate in the parish of Broughton in the rural district of Glanford Brigg in the county of Lincoln which lands contain in the whole by admeasurement 105 acres or thereabouts and are coloured red on the deposited plan.</p> <p>(2) The urban council may let on lease or otherwise such of the lands or buildings acquired by them under subsection (1) of this section as may not be required for the purposes of the</p> |

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water undertaking for such consideration and upon such terms and conditions as the council think fit.

*Scunthorpe
and
Frodingham
Order.*

4. The urban council may on the lands coloured red on the deposited plan construct with the consent of the Minister and in accordance with plans and sections approved by him such works as may be necessary or desirable for the utilisation of any water to be found in or under those lands and may raise collect impound take use and appropriate any such water for the purposes of the water undertaking :

Power to
construct
works.

Provided that section 332 of the Public Health Act 1875 (which contains a saving for water rights) and section 333 of that Act (which relates to arbitration) shall so far as they are applicable extend to any exercise by the urban council of the powers conferred by this section.

5.—(1) After the urban council have commenced to supply water from the works authorised by the preceding section of this order they shall within three months after the receipt by them of a request in writing from the rural council supply the rural council from those works with such reasonable quantity of water in bulk as the rural council may from time to time require for consumption within their rural district unless they are prevented from so doing by frost unusual drought or unavoidable cause or accident of any other nature.

For
protection
of rural
council.

(2) The daily quantity of water which may reasonably be required by the rural council under this section shall in case of a difference arising on any such requisition be determined by the Minister :

Provided that the urban council shall not be required to supply to the rural council in any one day a greater quantity of water than one hundred and twenty thousand gallons.

(3) The rural council shall pay to the urban council in respect of the water supplied under this section such sums as may be determined by agreement between the urban council and the rural council or (in case of dispute) by arbitration under the Arbitration Act 1889.

(4) For the purpose of a supply under this section any connection between a water main of the urban council and a water main of the rural council shall be made by the rural council under the supervision of and to the satisfaction of the urban council.

(5) Any water supplied by the urban council to the rural council under this section shall be delivered through a meter to be provided and fixed by the rural council in a position agreed by under the supervision of and to the satisfaction of

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 — rural council and any officer or servant of the urban council may
Scunthorpe inspect any such meter at all reasonable times.
and
Frodingham
Order.

(6) Subject to section 56 of the Local Government Act 1929 the expenses of the rural council under this section in so far as those expenses may not be met from water rents or water rates payable by water consumers to the rural council shall be defrayed as special expenses on the contributory places in which the water delivered by the urban council is for the time being consumed.

Amendment
 of 2 & 3 Geo.
 5. c. liii. ss. 14
 21 and repeal
 of 3 Edw. 7
 c. xciii. s. 14.

6.—(1) Section 14 of the Scunthorpe Urban District Water Act 1912 (in this section called "the Act of 1912") shall be amended as follows:—

(a) the words "but the quantity of lands held by the Council in pursuance of this section shall not at any time exceed ten acres" are hereby repealed: and

(b) the following proviso shall be added at the end of the section:—

"Provided also that the Council shall not without the consent of the Minister of Health purchase or take on lease under this section any lands the area of which together with the area of lands for the time being held by them under this section exceeds thirty acres."

(2) To section 21 of the Act of 1912 which limits the power of the council to abstract water there shall be added the words "or in a provisional order confirmed by Parliament."

(3) Section 14 of the Scunthorpe Urban District Water Act 1903 is hereby repealed and any lands acquired by the urban council under that section shall be deemed to have been acquired by them under section 14 of the Act of 1912 as amended by this section.

Application
 of 38 & 39
 Vict. c. 55.
 s. 54 to water
 undertaking.

7. For the purposes of the water undertaking the urban council shall have the powers of a local authority under section 54 of the Public Health Act 1875 in respect of the carrying of water mains within or without their district and in exercising the powers of that section any area within the limits within which the urban council are for the time being authorised to supply water shall be deemed to be included within their district:

Provided that the provisions of section 308 of the Public Health Act 1875 (which relates to compensation) and sections 327 to 329 (containing savings for various property and rights) and the provisions of sections 30 to 34 of the Waterworks Clauses Act 1847 shall so far as they may be applicable extend to any exercise by the urban council of the powers conferred by this section.

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8. Notwithstanding anything in the local Acts and orders any works constructed and any lands acquired by the urban council under this order shall for all purposes be deemed part of the water undertaking and references in the local Acts and orders to the water undertaking shall be construed as including a reference to the water undertaking as extended under the powers conferred by this order.

*Scunthorpe
and
Frodingham
Order.*

Additional
works and
lands to form
part of water
undertaking.

9.—(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.

Inquiries
and
expenses.

(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 be paid by the urban 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 paid by the urban council shall be a debt due to the Crown from the urban council.

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