

[24 & 25 GEO. 5.] *Ministry of Health* [Ch. lxi.]  
*Provisional Order Confirmation (Leek) Act, 1934.*



## CHAPTER lxi.

An Act to confirm a Provisional Order of the Minister of Health relating to the urban district of Leek. A.D. 1934.  
[25th July 1934.]

**W**HEREAS 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 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 (Leek) Act 1934. Short title.

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SCHEDULE.

*Leek  
Order.*

URBAN DISTRICT OF LEEK.

*Provisional order partially repealing and amending certain  
local Acts and provisional orders.*

WHEREAS the urban district council of Leek are the local authority for the purposes of the Public Health Act 1875 for the urban district of Leek and there are in force in the urban district the unrepealed provisions of the Leek Improvement Act 1855 the Leek Urban District Council Water Act 1925 and certain provisional orders confirmed by Parliament;

And whereas under the said local Acts and orders the council carry on a water undertaking and by section 4 of the Act of 1925 the council were authorised to make and maintain certain works for the purposes of their water undertaking;

And whereas the council have commenced the construction on land to be acquired by them at Poolend in the parish of Ruddyard in the rural district of Leek of certain works for the taking or intercepting of water for the purposes of their water undertaking;

And whereas by section 13 of the Act of 1925 it is enacted that the council shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in some Act of Parliament;

And whereas the council have applied to the Minister of Health for the issue of a provisional order to alter and in part repeal the local Acts and orders in the manner following:

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:—

PART I.

PRELIMINARY.

Short title  
and com-  
mencement.

1. This order may be cited as the Leek Order 1934 and shall come into operation on the date of the Act of Parliament confirming it.

Interpreta-  
tion.

2. In this order unless the context otherwise requires—

“statutory security” has the meaning assigned to it in section 3 (Interpretation) of the Act of 1925;

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- “ the Act of 1875 ” means the Public Health Act 1875 ;  
“ the Act of 1925 ” means the Leek Urban District Council Water Act 1925 ;  
“ the council ” means the urban district council of Leek ;  
“ the deposited plan ” means the plan which was deposited in the office of the Minister on the 10th day of November 1933 of which duplicates were on the same day deposited in the office of the Clerk of the Parliaments House of Lords and in the Committee and Private Bill Office of the House of Commons ;  
“ the district ” means the urban district of Leek ;  
“ the local Acts and orders ” means the Leek Improvement Act 1855 the Act of 1925 and any provisional order relating to the water undertaking of the council ;  
“ the Minister ” means the Minister of Health ;  
“ the water limits ” means the limits within which the council are for the time being authorised to supply water.

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—  
*Leek*  
*Order.*

PART II.

LANDS AND WORKS.

3.—(1) The council may in the lines and situation and upon the lands at Poolend in the parish of Rudyard in the rural district of Leek delineated on the deposited plan construct and maintain a well and pumping station together with all such works buildings shafts adits boreholes pipes and apparatus as may be necessary or convenient in connection therewith or subsidiary thereto in accordance with plans and sections to be approved by the Minister.

Power to  
construct  
works.

(2) In so far as the works referred to in subsection (1) of this section have already been carried out by the council such works shall be deemed to have been carried out in pursuance of the provisions of this order.

(3) The works authorised by this order shall for all purposes be deemed part of the water undertaking of the council and the provisions of the local Acts and orders shall so far as the same are applicable extend and apply to such works.

(4) None of the works authorised by section 4 of the Act of 1925 except the works referred to in that section as Works numbers 3 7 and 9 shall be constructed unless or until the Minister on the application of the council has by order sanctioned the construction thereof.

4. For the purposes of the supply of water by the council under the local Acts and orders and this order the council shall have the powers of a local authority under section 54 of the Act

Application  
of provisions  
of Act of  
1875 as to

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laying water  
mains.

of 1875 in respect of the carrying of water mains within or without the district and in exercising the powers of that section any area within the water limits shall be deemed to be included in the district :

Provided that in the exercise of the said powers the council shall be subject to the provisions so far as the same are applicable of sections 308 327 328 329 and 332 of the Act of 1875.

PART III.

SUPPLY OF WATER AND CHARGES.

Special  
terms for  
supplies to  
caravans &c.

5.—(1) Notwithstanding anything contained in any of the local Acts and orders a person shall not be entitled to demand or continue to receive from the council a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the council to take a supply of water by measure and to pay to the council a minimum quarterly charge (exclusive of meter rent) not being less than one-fourth part of such annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the council by way of deposit or otherwise payment of such sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

Charges for  
supplies for  
apparatus  
requiring  
continuously  
running  
water.

6. Where a person who takes a supply of water for domestic purposes from the council desires to use any water so supplied for or in connection with any apparatus (other than apparatus used for softening water for domestic supplies which does not require water for cleansing cooling regenerating or for motive power or similar purpose) depending while in use upon a supply of continuously running water the council shall be entitled to require that all water so used shall—

(a) be taken by measure and paid for at a price which does not exceed that set out in section 40 (Price of supply by meter) of the Act of 1925 and in that event the

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minimum quarterly charge for the water shall be ten shillings; or A.D. 1934.

(b) be paid for at such rates as may be agreed between the consumer and the council.

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Order.*

7. If any meter used by a consumer of water shall be proved to register erroneously the erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter and the amount of the allowance to be made to the consumer or of the surcharge to be made upon him by the council shall be paid by or to the council to or by the consumer as the case may be and shall in the case of a surcharge be recoverable in the like manner as charges for water supplied by meter are recoverable by the council. Period of error in defective meters.

8. Section 35 of the Waterworks Clauses Act 1847 in its application to the council shall be read and construed as if the words "one-eighth part" were substituted therein for the words "one-tenth part." Application of section 35 of Waterworks Clauses Act 1847.

9. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer of the council or any person duly authorised by him in writing may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the council in order to examine if there be any waste or misuse of such water and if any person hinder such engineer or authorised person from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds. Extension of power to inspect premises.

10. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the council may demand all rates rents and charges payable to them for the supply of water otherwise than by meter by half-yearly instalments in advance on the first day of April and the first day of October in each year : Dates for payment and recovery of water rates &c.

Provided that—

(a) no such rate rent or charge shall be recoverable by the council until the expiration of two months after the date on which it became due;

(b) any person who shall occupy any premises during part only of any half-year in respect of which the rates are so required to be paid shall be liable only for a part of the rate proportionate to that part of the half-year and if any such person shall have paid to the council a greater part of such rate the balance shall be refunded to him by the council.

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PART IV.

FINANCIAL AND MISCELLANEOUS.

*Leek  
Order.*

Receipts and  
expenses of  
water under-  
taking.

11. Notwithstanding anything contained in any enactment all money received by the council in respect of the revenue of the water undertaking (including the interest and other annual proceeds of investments forming part of any reserve fund) shall be carried to and shall form part of the general rate fund of the district and all liabilities falling to be discharged from the revenue of the water undertaking shall be paid out of that fund :

Provided that a sum equal to the interest and other annual proceeds as aforesaid shall (subject to any limit on the amount of the fund prescribed by the council in accordance with paragraph (c) of subsection (1) of section 13 of this order) be credited in the accounts to the reserve fund.

Accounts of  
water under-  
taking.

12.—(1) The council shall keep the accounts of the water undertaking for the year ending the thirty-first day of March nineteen hundred and thirty-five and later years so as to distinguish capital from revenue and as respects revenue so as to show under a separate heading or division on the one side all receipts in respect of the water undertaking and on the other side all payments and expenses in respect of the water undertaking and such payments and expenses shall be divided so as also to show in each case the amounts expended upon each of the following purposes :—

- (a) The working and establishment expenses and cost of maintenance of the water undertaking;
- (b) The interest on moneys borrowed by the council for the purposes of or connected with the water undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys so borrowed;
- (d) All other expenses (if any) of the water undertaking properly chargeable to revenue; and
- (e) Any money expended on any of the purposes mentioned in the next succeeding section of this order.

(2) The council shall show in their accounts relating to the water undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the water undertaking.

(3) In all cases in which the council keep separate accounts for separate purposes of the water undertaking they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

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13.—(1) If in any financial year the moneys received by the council on account of the revenue of the water undertaking exceed the moneys expended by the council in respect of that undertaking in respect of the expenses mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section of this order the council may in that year (if they think fit) apply out of the general rate fund of the district a sum equal to the amount of such excess to any of the following purposes :—

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—  
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*Order.*

Application  
of revenue of  
water under-  
taking  
Reserve  
fund.

- (a) In reduction of capital moneys borrowed for the purposes of the water undertaking;
- (b) In the construction renewal extension and improvement of the works and apparatus of the water undertaking;
- (c) In providing a reserve fund in respect of the water undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the council not exceeding a sum equal to ten per centum of the aggregate capital expenditure for the time being upon the water undertaking (in this section called "the prescribed maximum").

(2) A reserve fund formed under this section shall be applicable to answer any deficiency at any time arising in the income of the council from the water undertaking or to meet any extraordinary claim or demand at any time arising against the council in respect of the water undertaking or to the payment of the cost of renewing improving and extending any part of the works forming part thereof or otherwise for the benefit of the water undertaking and so that if the reserve fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(3) Resort may be had to the reserve fund under the foregoing provisions of this section although the fund may not at the time have reached or may have been reduced below the prescribed maximum.

14. The Minister may hold such inquiries as he may deem necessary for the purposes of his powers under this order.

Inquiries by  
Minister.

15. As from the date of operation of this order the following enactments are hereby repealed :—

Repeal.

The Leek Improvement Act 1855—

Section XLIII (Purchase of lands by agreement) so far as it relates to the water undertaking;

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Section CXLVI (Separate accounts to be kept) so far  
as it relates to the water undertaking;

Section CL (Application of moneys with respect to  
waterworks).

The Act of 1925—

Section 46 (Payment of water rates);

Section 52 (Application of section 35 of Waterworks  
Clauses Act 1847);

Section 62 (As to deficiency of water revenue).

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