



CHAPTER xii.

An Act to confirm a Provisional Order of the Minister of Health relating to the borough of Harrogate.

[22nd July 1943.]

WHEREAS under the provisions of the Public Health 38 & 39 Vict. Act 1875 the Minister of Health has made a Pro-^{c. 55.}visional Order which needs confirmation by Parliament :

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. Paragraph (d) of subsection (2) and subsection (4) of section one of the Emergency Powers (Defence) Act 1939 as amended by subsection (2) of section one of the Emergency Powers (Defence) Act 1940 shall have effect as if this Act had been passed before the commencement of the last mentioned Act. Saving of Emergency Powers.
2 & 3 Geo. 6.
c. 62.
3 & 4 Geo. 6.
c. 20.
3. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Harrogate) Act 1943. Short title.

SCHEDULE.

BOROUGH OF HARROGATE.

Provisional Order altering certain local Acts and a Provisional Order.

60 & 61 Vict.
c. ccxxxvii.

WHEREAS the mayor aldermen and burgesses of the borough of Harrogate acting by the council (in this Order called "the Corporation") carry on a water undertaking and supply water within certain limits in pursuance of the Harrogate Corporation (Waterworks Transfer) Act 1897 as amended by certain local Acts and by Provisional Orders which were confirmed by Parliament ;

And whereas the Corporation have applied to the Minister of Health (in this Order called "the Minister") for the issue of a Provisional Order further to amend the said local Act in the manner following :

Now therefore the Minister 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 :—

Short title and
commencement.

33 & 34 Vict.
c. 70.
36 & 37 Vict.
c. 89.

1. This Order may be cited as the Harrogate Order 1943 and shall come into operation on the date on which the Wetherby District Water Order 1943 made by the Minister in pursuance of the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 comes into operation.

Interpretation.

1 Edw. 7.
c. ccxv.
3 Edw. 7.
c. xxxvii.
1 & 2 Geo. 5.
c. lii.
14 & 15 Geo. 5.
c. xxxiii.
25 & 26 Geo. 5.
c. lxxviii.

2. In this Order unless the context otherwise requires—

"the local Act" means the Harrogate Corporation (Waterworks Transfer) Act 1897 as amended by the Harrogate Water Act 1901 the Harrogate Water Act 1903 the Harrogate Corporation Water Act 1911 the Harrogate Corporation Act 1924 and the Harrogate Order 1935 which was confirmed by the Ministry of Health Provisional Order Confirmation (Harrogate) Act 1935 ;

"the water limits" means the limits within which the Corporation are authorised to supply water by the local Act ;

"the added areas" means the areas added by this Order to the water limits ;

"the map" means the map prepared in triplicate sealed with the official seal of the Minister and marked "Map referred to in the Harrogate Order 1943" of which one triplicate has been deposited in the office of the Minister one in the office of the Wetherby District Water Company and one in the office of the Corporation ;

"the rural district" means the rural district of Wetherby and
"the rural council" means the council of that district.

(1) The water limits shall be extended so as to include—
(a) those portions of the former parishes of Kirkby Overblow and Rigton which were transferred to the borough of Harrogate by the County of York West Riding Review Order 1938; and
(b) the parish of Kirkby Overblow in the rural district as constituted at the coming into operation of this Order; and
(c) so much of the parish of Spofforth with Stockeld in the rural district as is coloured red on the map.

Extension of water limits.

(2) Subject to the provisions of this Order the Corporation for the purposes of the supply of water within the added areas may exercise the powers which they are authorised to exercise by the local Act and by the Harrogate Waterworks Act 1897 and shall be subject to the obligations to which they are subject under that Act and under the local Act within that part of the water limits which is comprised in the rural district :

60 & 61 Vict. c. ccxxxii.

Provided that the Corporation shall not be bound to supply water in the added areas at a pressure greater than that afforded by gravitation from the existing water tower at Walton Head nor shall they be bound to supply water to buildings above a height of sixty feet below the top water level of the said tower.

(3) Subsections (2) (3) and (4) of section 4 (Rates for supply of water for domestic purposes) of the Harrogate Corporation Water Act 1911 shall apply to the added areas :

Provided that the rates and charges for the supply of water within the added areas for domestic purposes or for water closets or baths shall not exceed the rates or charges for domestic purposes or for water closets or baths (as the case may be) which are for the time being demanded and taken in the area of the borough of Harrogate as constituted immediately prior to the first day of April nineteen hundred and thirty-eight.

4.—(1) On the coming into operation of this Order all works mains pipes lands easements and buildings belonging to the rural council and used by them for the supply of water in the added areas and all obligations of the rural council in respect of such works mains pipes lands easements and buildings (other than obligations in respect of money borrowed) shall be transferred to vested in and attached to the Corporation and all agreements contracts deeds and other instruments affecting the rural council and relating to such works mains pipes lands easements and buildings in force on the coming into operation of this Order shall have effect as if the Corporation were a party thereto instead of the rural council.

Transfer of waterworks.

(2) The Corporation shall pay to the rural council as consideration for the transfer of the works mains pipes lands easements and buildings which are vested in the Corporation under this section the sum of three hundred and thirty-three pounds twelve shillings and three pence with interest thereon at three and a half per centum per annum from the first day of April nineteen hundred and thirty-eight.

(3) All moneys received by the rural council under subsection (2) of this section shall be applied by them in repayment of moneys borrowed

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Order Confirmation (Harrogate) Act, 1943.

for the purposes of the transferred works mains pipes lands easements and buildings and to such other purposes as the Minister may approve.

(4) The works mains pipes lands easements and buildings vested in the Corporation by this Order shall form part of their water undertaking.

Cancellation of agreement and memorandum.

5. The agreement dated the twenty-eighth day of February nineteen hundred and twenty-seven made between the Knaresborough Rural District Council and the Wetherby District Water Company together with the memorandum dated the thirtieth day of August nineteen hundred and thirty-four made between the Knaresborough Rural District Council and the rural council which is endorsed on the said agreement are hereby cancelled and annulled.

Power to prohibit temporarily use of hosepipes in case of drought.

6.—(1) If the Corporation are of opinion that by reason of drought or other cause the water supply of the Corporation should be conserved the Corporation may prohibit as from such date as they may determine the drawing or user through any hose or moveable pipe of water supplied by them so far as such drawing or user is for the purpose of gardens or horses or washing vehicles or any outdoor washing purpose and such prohibition shall continue until withdrawn.

(2) The Corporation shall before the prohibition comes into force give public notice in two or more newspapers circulating within the limits of supply of the prohibition and of the date when it will come into force.

(3) Any person who while the prohibition is in force contravenes its provisions shall be liable to a penalty not exceeding five pounds.

(4) Where a prohibition is imposed under this section charges made by the Corporation for the use of a hosepipe or similar apparatus shall be subject to a reasonable reduction to be settled in case of dispute by a court of summary jurisdiction and in the case of a charge paid in advance any necessary repayment or adjustment shall be made by the Corporation.

Power of Minister to authorise Corporation to supply premises outside their limits of supply.

7.—(1) If the Minister is satisfied that the owners or occupiers of premises in an area outside the limits for the time being of the Corporation for the supply of water desire to obtain a supply of water from the Corporation and that the giving of the supply is not likely to interfere with the supply of water for any purposes within the said limits he may on the application of the Corporation and with the consent of the local authority within whose district and of any statutory water undertakers within whose limits of supply the area is situate by order authorise the Corporation to supply water in that area or such part thereof as may be specified in the order on such conditions as may be so specified :

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld and any question whether or not consent is unreasonably withheld shall be referred to and determined by the Minister.

(2) Where the Corporation are by virtue of an order made under the preceding subsection supplying water to premises outside their limits of supply any other statutory water undertakers supplying water under a local Act or Order within whose limits of supply those premises are situate or if there are no such other undertakers the local authority

of the district in which the premises are situate may in the absence of any agreement to the contrary at any time give not less than three months' notice to the Corporation that they are able and intend to give a supply of water to the premises in question.

(3) When a notice has been given under the last preceding subsection then so soon after the expiration of three months as the undertakers or authority giving the notice commence to supply water to the premises in question the Corporation shall except for the purpose of recovering water rates and water charges and of removing any pipes plant or apparatus which the undertakers or authority giving the notice do not require them to leave in position cease to have any rights or duties in respect of a supply to those premises but the undertakers or authority giving the notice shall pay to them such portion of any expenses reasonably incurred by them for the purpose of giving a supply to those premises as may be agreed or in default of agreement determined by an arbitrator appointed by the Minister.

(4) While the Corporation are by virtue of an order made under subsection (1) of this section authorised to supply water outside their limits of supply the enactments relating to their undertaking shall have effect as if the area specified in the order were within those limits.

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Order Confirmation (Harrogate) Act, 1943.

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(P. 1674)