



CHAPTER ix.

An Act to confirm a Provisional Order of the Minister of Health relating to the Bucks Water Board.

[22nd July 1943.]

WHEREAS under the provisions of the Public Health 38 & 39 Vict. Act 1875 the Minister of Health has made a Provisional c. 55. 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 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 (Bucks Water Board) Act 1943. Short title.

SCHEDULE.

BUCKS WATER BOARD.

Provisional Order altering a local Act and a Provisional Order.

1 Edw. 8 & 1 Geo. 6. c. xcvi.
1 & 2 Geo. 6. c. lxxviii. WHEREAS by the Bucks Water Act 1937 as amended by the Bucks Water Order 1938 which was confirmed by Parliament (in this Order called "the local Act") the Bucks Water Board (in this Order called "the Board") are authorised to supply water within certain limits ;

And whereas by section 130 of the local Act it is provided that section 303 of the Public Health Act 1875 shall apply to the Board as if they were a local authority within the meaning of that section ;

And whereas the Board have applied to the Minister of Health for the issue of a Provisional Order to amend the local Act 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 :—

Short and collective titles.

1.—(1) This Order may be cited as the Bucks Water Order 1943.
(2) The Bucks Water Act 1937 the Bucks Water Order 1938 and this Order may be cited together as the Bucks Water Act and Orders 1937 to 1943.

Commencement of Order.

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

2. This Order shall come into operation on the date on which the Chiltern Hills Spring Water Order 1943 made by the Minister of Health 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.

3. In this Order unless the context otherwise requires—
"the commencement of this Order" means the date on which this Order comes into operation ;
"the map" means the map prepared in triplicate, sealed with the official seal of the Minister of Health and marked "Map referred to in the Bucks Water Order 1943" of which one triplicate shall be deposited in the office of the Minister one in the office of the Chiltern Hills Spring Water Company and one in the office of the Board ;
"the existing limits" means the limits within which the Board were immediately before the commencement of this Order authorised to supply water ; and
"the limits of supply" means the existing limits as extended by this Order.

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4. The existing limits shall be extended so as to include those parts of the rural district of Aylesbury in the county of Buckingham (consisting of the parishes of Hardwick Quarrendon Westcott and Wotton Underwood and parts of the parishes of Fleet Marston Stone Waddesdon and Wendover) which are coloured red on the map and the provisions of the local Act which now apply and have effect within the existing limits shall with any necessary modifications and subject to the provisions of this Order apply and have effect within the area added by this section to the existing limits. Extension of existing limits.

5. Section 117 (Apportionment of deficiency in revenue of Board) of the local Act shall be amended by the substitution in paragraph (c) of subsection (3) thereof for the words "which are comprised within the limits of supply" of the words "which are either wholly or partly comprised within the limits of supply or on such of those parishes as the Aylesbury Council may from time to time determine". Amendment of section 117 of local Act.

6.—(1) Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Board shall be entitled to demand payment of water rate in advance by equal quarterly payments on the first day of April the first day of July the first day of October and the first day of January in each year or if the Board so resolve by equal half-yearly instalments on the first day of April and the first day of October in each year. As to payment and collection of water rate. 10 & 11 Vict. c. 17.

(2) If and so long as the rates under this section are payable in advance by half-yearly instalments—

(a) no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the first day of the half-year in respect of which it has been demanded; and

(b) if the person who is or who but for the provisions of section 88 (Rates payable by owners of small houses) of the local Act would be liable to pay the rate payable in respect of any premises is in occupation of those premises during a portion only of a half-year he or as the case may be the owner of the premises shall be liable to pay so much only of the half-yearly instalment as bears to the whole instalment the same proportion as the number of days within the half-year during which the first-mentioned person is in occupation bears to the number of days in the half-year and if any greater proportion of the instalment has been paid the person by whom it was paid shall be entitled to recover the excess from the Board except in so far as he has previously recovered it from an incoming occupier:

Provided that nothing in this paragraph shall exempt the owner of any premises from liability in respect of any subsequent portion of the half-year during which the premises may again become occupied.

7. Notwithstanding anything in the local Act the Board shall have the exclusive right of executing any works on any of the water mains of the Board for connecting any communication pipe therewith and the Board shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Board execute on any Board to connect communication pipes with mains.

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such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work which shall be necessary to connect the communication pipe of such owner or occupier therewith and the reasonable expenses incurred by the Board in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

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

8.—(1) If the Board are of opinion that by reason of drought or other cause the water supply of the Board should be conserved the Board 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 Board 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 Board 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 Board.

Period of error in defective meters.

9. In the event of any meter used by a consumer of water supplied by the Board being proved to register erroneously such 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. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Board shall be paid by or to the Board to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Board.

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