



CHAPTER vii.

An Act to confirm a Provisional Order of the Minister of Health relating to the North Lindsey Water Board.
[13th July 1944.]

WHEREAS under the provisions of the Public Health Act 38 & 39 Vict. 1875 the Minister of Health has made a Provisional Order ^{c. 55.} 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 Order in schedule to this Act is hereby confirmed and shall have full ^{schedule} validity and force. ^{confirmed.}

2. This Act may be cited as the Ministry of Health Provisional Short title. Order Confirmation (North Lindsey Water Board) Act 1944.

SCHEDULE.

NORTH LINDSEY WATER BOARD.

Provisional Order altering a local Act and certain Orders.

24 & 25 Geo. 5. c. xci. WHEREAS by the North Lindsey Water Act 1934 (in this Order called "the Act of 1934") the North Lindsey Water Board (in this Order called "the Board") were constituted for the supply of water to the constituent authorities of the Board:

And whereas the Act of 1934 has been altered by the North Lindsey Water Board Order 1937 and by the North Lindsey Water Order 1939 which was confirmed by Parliament:

And whereas by subsection (1) of section 108 of the Act of 1934 it is provided that section 303 of the Public Health Act 1875 shall extend and 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 further to alter the Act of 1934 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 and commencement.

I.—(1) This Order may be cited as the North Lindsey Water Order 1944 and shall come into operation on the date of the Act of Parliament confirming it.

(2) The Act of 1934 the Order of 1937 the Order of 1939 and this Order may be cited together as the North Lindsey Water Act and Orders 1934 to 1944.

Interpretation.

2. In this Order unless the context otherwise requires—

"the Order of 1937" means the North Lindsey Water Board Order 1937;

"the Order of 1939" means the North Lindsey Water Order 1939 as confirmed by Parliament;

"the first financial year" means the financial year commencing on the first day of April nineteen hundred and forty-five; and

words terms and expressions to which meanings are assigned by the Act of 1934 have the same respective meanings.

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3. For the purposes of the Act of 1934 as amended by this Order the quantity of water deemed to have been supplied by the Board to any constituent authority in any financial year shall be taken to be the greater of the two following quantities:—

Quantity of water deemed to be supplied to constituent authorities.

- (i) the total quantity of water actually supplied by the Board to that constituent authority in that financial year;
- (ii) the quantity obtained by multiplying by the number of days in that financial year the minimum daily quantity stated in the schedule to the Order of 1937 opposite the name of that constituent authority.

4. Subsections (1) (2) (3) and (7) of section 72 (Price of water) of the Act of 1934 and the whole of section 8 (Amendment of section 72 of local Act) of the Order of 1939 are hereby repealed and the said section 72 shall have effect as if the subsections hereinafter numbered (1) (2) (3) and (7) were respectively substituted for the said repealed subsections:—

Amendment of section 72 of Act of 1934.

“(1) Before the commencement of the first financial year and of each subsequent financial year or so soon thereafter as may be practicable the Board shall estimate—

(a) the total amount of the revenues of the Board to be applied by them in respect of that financial year for any of the purposes mentioned in the section of this Act of which the marginal note is ‘Application of revenue’ or for any other purpose for which the Board may lawfully apply such revenues;

(b) the total amount of the revenue to be received by the Board in respect of that financial year otherwise than for water to be deemed to have been supplied by the Board to the constituent authorities; and

(c) the total quantity of water to be deemed to have been supplied to the constituent authorities in that financial year;

and shall state in the estimate—

(d) the sum by which the total amount referred to in the foregoing head (a) exceeds the total amount referred to in the foregoing head (b).

- (2) The price per thousand gallons to be paid to the Board by each of the constituent authorities for or in respect of water to be deemed to have been supplied to them by the Board in any financial year shall be the price obtained by dividing the sum stated under head (d) of the estimate prepared by the Board for that financial year by the number of thousand gallons in the total quantity of water stated under head (c) of that estimate:

Provided that if at any time during the course of any financial year it shall appear to the Board that the total amount of the revenue received and to be received by them in respect of that financial year will or may be greater or less than the total amount of the revenues of the Board applied and to be applied by them in respect of that financial year for any such purpose as is referred to in paragraph (a) of subsection (1)

of this section (which last-mentioned total amount in relation to any financial year is hereinafter in this section referred to as 'the total annual expenditure' in respect of that financial year) the Board may if they think fit revise the estimate prepared by them for that financial year pursuant to the said subsection (1) and if they do so the price per thousand gallons to be paid to the Board by each of the constituent authorities for or in respect of water to be deemed to have been supplied to them by the Board in so much of that financial year as is subsequent to such date as shall be fixed by the Board shall be such a sum (less or greater than the price per thousand gallons as ascertained according to the original estimate prepared by the Board for that financial year) as that the two total amounts referred to in this proviso shall be as nearly as practicable equal.

- (3) If at the end of the first financial year or any subsequent financial year the accounts of the Board audited in accordance with the section of this Act of which the marginal note is 'Audit' shall show that the revenues of the Board in respect of that financial year have been insufficient to meet the total annual expenditure in respect of that financial year the Board shall apportion the amount of the deficiency between the constituent authorities in proportion to the respective aggregate quantities of water deemed to have been supplied by the Board to the constituent authorities in that financial year and shall issue precepts to the constituent authorities for the amounts so apportioned. The constituent authorities shall within three months from the receipt of such precepts pay to the Board the amounts so apportioned to them respectively.
- (7) If at the end of the first financial year or any subsequent financial year the accounts of the Board audited as aforesaid shall show that the revenues of the Board in respect of that financial year have exceeded the total annual expenditure in respect of that financial year the amount of such surplus shall be apportioned by the Board between the constituent authorities in proportion to the respective aggregate quantities of water deemed to have been supplied by the Board to the constituent authorities in that financial year. The amounts so apportioned shall be carried forward by the Board in their accounts to the credit of the constituent authorities respectively and the amount so credited to a constituent authority shall be deducted from the sum payable by that authority in respect of water to be deemed to have been supplied by the Board to that authority in the next following financial year."

Agreements as to making payments on account.

5. Section 73 (As to payment for water supplied by Board) of the Act of 1934 shall have effect as if the following proviso were inserted at the end of subsection (2) of that section :—

" Provided that the Board on the one hand and the constituent authorities or any of them on the other hand may enter into and carry into effect agreements for and with respect

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to the making by a constituent authority (being a party to any such agreement) at or after the expiration of any such quarter of a year and pending the delivery to that authority of an account showing the sum payable by them to the Board in respect of that quarter of payments on account of that sum."

6. The payment of the costs charges and expenses of the Board in Costs of
or in connection with the application for making and confirmation Order.
of this Order shall be a purpose for which the Board are authorised to borrow within the meaning of paragraph (e) of section 195 (Purposes for which money may be borrowed) of the Local Government Act 1933 as applied to the Board by section 88 (Application of Act of 1933 to borrowing of money by Board) of the Act of 1934. Provided that the Board may if they think fit defray out of the revenues of the Board the whole or part of such costs charges and expenses.

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