



CHAPTER viii.

An Act to confirm a Provisional Order of the Minister of Health relating to the borough of Warrington.  
[13th July 1944.]

**W**HEREAS under the provisions of the Public Health Act 38 & 39 Vict 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 Order in schedule to this Act is hereby confirmed and shall have full validity and force. 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 (Warrington) Act 1944. Short title.

SCHEDULE.

BOROUGH OF WARRINGTON.

*Provisional Order altering a local Act.*

1 & 2 Geo. 6.  
c. xcvi.

WHEREAS the mayor aldermen and burgesses of the borough of Warrington acting by the council (in this Order called "the Corporation") carry on a water undertaking and supply water within certain limits in pursuance of certain local Acts including the Warrington Corporation Water Act 1938 (in this Order called "the local Act"):

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

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

Short title.

1. This Order may be cited as the Warrington Order 1944.

Interpretation.

2. In this Order unless the context otherwise requires—

"the deposited plans" and "the deposited sections" mean respectively the plans and the sections which were deposited in the office of the Minister on the thirteenth day of October nineteen hundred and forty-three and of which duplicates were 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 water undertaking" means the water undertaking of the Corporation; and

"the Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Order.

9 & 10 Geo. 5.  
c. 57.

Incorporation  
of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order) are hereby incorporated with this Order (namely):—

8 & 9 Vict. c. 18.

(1) The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and except sections 127 to 132 inclusive of the Lands Clauses Consolidation Act 1845);

10 & 11 Vict.  
c. 17.

(2) The Waterworks Clauses Act 1847 except—

(a) the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44;

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers, when the waterworks are carried on for their benefit); and

(c) section 83 (with respect to the yearly receipt and expenditure of the undertakers); and

26 & 27 Vict.  
c. 93.

(3) The Waterworks Clauses Act 1863.



4.—(1) In addition to any other lands acquired or held by them the Corporation may by agreement purchase take on lease or acquire and hold all or any of the lands within the limits of deviation shown on the deposited plans which they may require for the purposes of the waterworks authorised by this Order or for other the purposes of the water undertaking and the purchase taking on lease or acquisition by the Corporation of such lands or any of them or of easements therein for the said purposes prior to the date on which this Order shall come into operation is hereby sanctioned and confirmed.

Purchase of  
lands and  
confirmation of  
purchase of  
lands.

(2) For the purposes of section 23 (Limiting powers of Corporation to abstract water) of the local Act the lands described in the schedule to this Order shall be deemed to be specified in this Order.

5. Subject to the provisions of this Order the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and according to the levels shown on the deposited sections the following works :—

Power to  
construct works.

In the county of Chester—

Work No. 1 A pumping station (to be called " the Newton Hollow pumping station ") with a well or wells boreholes adits and other conveniences connected therewith or ancillary thereto to be situate on the lands described in the schedule to this Order ;

Work No. 2 A line or lines of pipes commencing at the Newton Hollow pumping station and terminating by a junction with Work No. 7 authorised by the local Act ;

Work No. 3 A waste water conduit commencing at the Newton Hollow pumping station and terminating by a junction with Work No. 6 authorised by the local Act.

6. If the works authorised by this Order are not completed by the thirty-first day of October nineteen hundred and forty-eight or four years after the termination of the period for which the Emergency Powers (Defence) Act 1939 is in force (whichever is the later) the powers granted by this Order for constructing the same or otherwise in relation thereto shall cease except as to so much thereof respectively as shall then be completed :

Period for  
completion of  
works and  
enlargement  
of works.

2 & 3 Geo. 6.  
c. 62.

Provided that the Corporation may subject to the provisions of this Order extend enlarge alter reconstruct renew or remove any of their works and plant in connection with the works authorised by this Order and in the case of the Newton Hollow pumping station make and provide additional wells shafts bores adits headings machinery works and conveniences in connection with such pumping station and in the case of the lines of pipes authorised by this Order lay down additional lines of pipes as and when occasion may require.

7. The following provisions of the Warrington Corporation Act 1911 the Warrington Corporation Water Act 1929 the Warrington Corporation Act 1937 and the local Act shall extend and apply to and for the purposes of this Order as if those provisions were with all necessary modifications re-enacted in this Order (namely) :—

Application  
of certain  
provisions of  
previous Acts.

1 & 2 Geo. 5.  
c. x.

19 & 20 Geo. 5.  
c. lxxix.

1 Edw. 8. &

1 Geo. 6. c. lix

*The Warrington Corporation Act 1911—*

Section 89 (Crown rights):

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*The Warrington Corporation Water Act 1929—*

- Section 11 (Power to hold lands and exercise powers for protection of waters) ;
- Section 13 (Persons under disability may grant easements) ;
- Section 16 (Proceeds of sale of surplus lands) ;
- Section 26 (Discharge of water into streams) ;
- Section 27 (Application of Waterworks Clauses Act 1847).

*The Warrington Corporation Act 1937—*

- Section 80 (Inquiries by Minister).

*The local Act—*

- Section 8 (Reservation of easements &c.) ;
- Section 10 (Subsidiary and additional waterworks) ;
- Section 11 (Power to deviate) ;
- Section 13 (For protection of Postmaster-General) ;
- Section 22 (Power to take waters) ;
- Section 24 (Works to form part of water undertaking) ;
- Section 25 (Provision where local sources of supply affected) ;
- Section 26 (For protection of Liverpool Hospital for Consumption and Diseases of the Chest) ;
- Section 27 (For protection of trustees of Manchester Hospital for Consumption and Diseases of the Throat and Chest) ;
- Section 28 (For protection of Corporation's wells) ;
- Section 29 (Byelaws for preventing pollution of water) ;
- Section 33 (For protection of Imperial Chemical Industries Limited and others) ; and
- Section 37 (For protection of Cheshire Rivers Catchment Board) :

Provided that in the application of the said sections 25 26 27 28 and 33 of the local Act those sections shall have effect as if the Newton Hollow pumping station were referred to therein respectively instead of the Ravenslodge pumping station.

Amendment of section 31 of local Act.

8. Section 31 (For protection of Liverpool Corporation) of the local Act shall have effect as if the works authorised by this Order were among the works authorised by the local Act.

Amendment of agreement scheduled to local Act.

9. The agreement set forth in the second schedule to the local Act shall be read and have effect as though—

- (a) the headworks described in clause 1 thereof included Work No. 1 Work No. 2 and Work No. 3 authorised by section 5 (Power to construct works) of this Order instead of the work described in paragraph (ii) of subdivision (a) of that clause and so much of the works described in paragraphs (vi) and (vii) of subdivision (a) thereof as is rendered unnecessary by the said Work No. 2 and Work No. 3 ; and
- (b) the Newton Hollow pumping station were mentioned or referred to therein instead of the Ravenslodge pumping station wherever the last-named pumping station is mentioned or referred to ;

and section 30 (Confirmation of scheduled agreement) of the local Act shall have effect accordingly :



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Provided that for the purposes of clause 1 of the said agreement the works authorised by this Order shall be deemed to have been authorised by the local Act the Bill for which was promoted by the Corporation in the Session of Parliament 1937-38.

10.—(1) So much of the local Act as relates to the making and maintenance of the following works which were authorised by that Act is hereby repealed (namely):— Repeal of certain provisions of local Act.

(a) Work No. 2 (the Ravenslodge pumping station);

(b) So much of Work No. 6 as extends from its commencement to the termination of Work No. 3 authorised by this Order;

(c) So much of Work No. 7 as extends from its commencement to the termination of Work No. 2 authorised by this Order.

(2) In paragraph (b) of subsection (1) of section 23 (Limiting powers of Corporation to abstract water) of the local Act the words "or 17 to 31 in the parish of Kingsley" are hereby repealed.

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SCHEDULE.

Enclosures Nos. 124 and 265 on the 1/2500 ordnance map of the County of Chester (Edition of 1910) Sheet XXXII.8.

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Order Confirmation (Warrington) Act, 1944.

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