CHAPTER cxxxi.

An Act to confirm certain Provisional Orders of the Local Government Board relating to the Urban Sanitary District of Kings Lynn (two), the Burnley Joint Hospital District, and the West Kent Main Sewerage District. A.D. 1894.

[31st July 1894.]

WHEREAS the Local Government Board have made the Provisional Orders set forth in the schedule hereto, under the provisions of the Public Health Act, 1875: 38 & 39 Vict. c. 55.

And whereas it is requisite that the said Orders should be confirmed by Parliament, and that the provisions herein contained should be enacted with reference to one of such Orders:

Be it therefore enacted by the Queen'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:—

Orders in schedule confirmed.

1. The Orders as altered and set out in the schedule hereto shall be and the same are hereby confirmed, and all the provisions thereof shall, subject to the provisions of this Act, have full validity and force.

Restriction of power to take houses of labouring class as to Kings Lynn.

2. The sanitary authority for the urban sanitary district of Kings Lynn shall not purchase or acquire, either compulsorily or by agreement, in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses included in the schedule to the Kings Lynn Order (No. 2), 1894, which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December, but have been or shall be subsequently so occupied.

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Definition of labouring class.

For the purposes of this section the expression "labouring class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 18) Act, 1894.

SCHEDULE.

A.D. 1894.

BURNLEY JOINT HOSPITAL DISTRICT.

Burnley Order.

Provisional Order for altering a Confirming Act.

To the Burnley Joint Hospital Board ;—

To the Mayor, Aldermen, and Burgesses of the Borough of Burnley, being the Urban Sanitary Authority for that Borough ;—

To the Mayor, Aldermen, and Burgesses of the Borough of Nelson, being the Urban Sanitary Authority for that Borough ;—

To the Brierfield Local Board, being the Sanitary Authority for the Urban Sanitary District of Brierfield, in the County of Lancaster ;—

To the Padiham and Hapton Local Board, being the Sanitary Authority for the Urban Sanitary District of Padiham and Hapton, in the same County ;—

To the Guardians of the Poor of the Burnley Union, in the same County, being the Sanitary Authority for the Rural Sanitary District of that Union ;—

And to all others whom it may concern.

WHEREAS by a Provisional Order of the Local Government Board dated the Twenty-eighth day of April, One thousand eight hundred and eighty-six, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act, 1886 (which Order and Act are herein-after respectively referred to as "the Order" and "the Confirming Act"), the Urban Sanitary Districts of Brierfield, Nelson, and Padiham and Hapton, and the Rural Sanitary District of the Burnley Union (all which Districts were therein-after referred to as "the Constituent Districts"), were formed into a United District, called the Burnley Joint Hospital District, for the purposes of the provision, maintenance, and management, for the use of the inhabitants of the Constituent Districts, of a hospital or hospitals for the reception of cases of infectious diseases ; 49 & 50 Vict. c. lxi.

And whereas by Article II. of the Order it was ordered that the Joint Board, which should be the governing body of the said United District, should consist of four ex-officio and eleven elective members, and should be called the Burnley Joint Hospital Board (herein-after referred to as "the Joint Board") ;

And whereas by Article III. of the Order it was ordered that the ex-officio members should be the persons described in column 3 of the Schedules thereto, and that the elective members should be elected by the several Sanitary Authorities mentioned in column 2 of the said Schedules (therein-after referred to as "the Constituent Authorities") ;

And whereas by Article IV. of the Order it was ordered that the number of members of the Joint Board to be elected by each of the Constituent Authorities

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Burnley Order.

should be that set opposite to the name of each of such Authorities in column 4 of the said Schedules, and that the said members should be chosen by the members of each of the Constituent Authorities from among the members of its own body ;

And whereas since the formation of the said United District the Local Government District of Nelson has been created a Borough ;

And whereas it is expedient that the Urban Sanitary District of Burnley should be included in, and the Urban Sanitary District of Nelson should be excluded from, the said United District, and that the provisions herein-after contained should be made in connexion therewith :

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 297 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the Confirming Act, so far as it relates to the Order, shall be altered so that the following provisions shall take effect ; viz.,—

38 & 39 Vict. c. 55.

Art. I. This Order shall, except so far as is otherwise herein expressly provided to the contrary, come into operation on the day of the meeting of the Joint Board held next after the first election of members thereof to represent the Urban Sanitary District of Burnley as herein-after provided.

Art. II. The United District shall be altered so as to include the Urban Sanitary District of Burnley and to exclude the Urban Sanitary District of Nelson, and throughout the Order and this Order reference to the Constituent Districts shall be deemed to include the Urban Sanitary District of Burnley and exclude the Urban Sanitary District of Nelson, and reference to the Constituent Authorities shall be deemed to include the Urban Sanitary Authority for the Borough of Burnley and to exclude the Urban Sanitary Authority for the Borough of Nelson.

Art. III. The number of ex-officio members of the Joint Board shall be reduced from four to one, and the number of elective members shall be increased from eleven to twelve, and the Schedules to this Order shall be substituted for the Schedules to the Order, and the reference in Articles III. and IV. of the Order to the Schedules thereto shall be deemed to apply to the Schedules to this Order.

Art. IV.—(1.) The Urban Sanitary Authority for the Borough of Burnley shall, within four weeks from the date of the Act of Parliament confirming this Order, elect six persons from among its own members to be their representatives on the Joint Board, and such six persons, and the ex-officio representative of that Authority, shall come into office as members of the Joint Board on the day of such election.

(2.) The town clerk of the Borough of Burnley shall forthwith after such election notify in writing to the clerk to the Joint Board the names, addresses, and occupations of the persons so elected.

(3.) The elective and ex-officio members of the Joint Board representing the Urban Sanitary District of Nelson shall go out of office, and their places shall not be filled up.

(4.) One of the two members of the Joint Board representing the Urban Sanitary District of Brierfield, one of the three members representing the Urban Sanitary District of Padiham and Hapton, and three of the six members representing the Rural Sanitary District of the Burnley Union shall go out of office, and their places shall not be filled up, and the remaining members representing those Urban Sanitary Districts and the Rural Sanitary District upon the Joint Board, whether now ex-officio or elective members, shall be deemed to be elective members.

(5.) The members of the Joint Board who are to go out of office in pursuance of subdivision (4) of this Article shall be selected by the several Constituent Authorities whose representatives they are at the meeting of such Authority held next after the date of the Act of Parliament confirming this Order, and the names of the persons so selected shall be forthwith notified in writing to the clerk to the Joint Board by the clerk to the Constituent Authority.

Art. V.—The following provision shall be substituted for Article V. of the Order, viz.,—

"Such of the provisions of Section 46 of the Local Government Act, 1894, as relate to members of councils of districts other than boroughs shall, mutatis mutandis, apply to members of the Joint Board." 56 & 57 Vict. c. 73.

Art. VI.—(1.) Article X. of the Order shall be altered by the addition thereto of the following paragraph :—

"The Joint Board may from time to time appoint committees consisting of members of the Joint Board for the exercise of any powers which, in the opinion of the Joint Board, can be properly exercised by committees, but the acts of every such committee shall, unless otherwise directed by the Joint Board, be submitted to the Joint Board for approval: Provided that a committee so appointed shall in no case be authorised to borrow money or to issue any precept for contributions or to enter into any contract, and it shall be subject to the provisions of Part IV. of the First Schedule to the Local Government Act, 1894, so far as they are applicable."

(2.) Article XIV. of the Order shall be altered by the omission of all reference to Sections 200, 203, and 204 of the Public Health Act, 1875.

Art. VII. The following provision shall be substituted for Article XXI. of the Order, viz., "If at any time any new Urban District is formed, including the whole or any part of any of the Constituent Districts, or the boundaries of any of the Constituent Districts are otherwise altered, or the whole of any of the Constituent Districts is created or included in a municipal borough, then and in every such case the Local Government Board may, by Order, to be published as they shall direct, make such provision as to them seems fit for adapting the provisions of this Order to the alteration so made, and every such Order shall have effect as if the terms thereof were inserted in this Order."

Art. VIII. This Order may be cited as the Burnley Joint Hospital Order, 1894.

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Burnley Order.

The SCHEDULES above referred to.

SCHEDULE A.

Urban Sanitary Districts.

1.	2.	3.		4.
Name of District.	Name of Sanitary Authority.	Ex-officio Member.		Elective Members.
		Number.	Description.	Number.
The Borough of Burnley	The Mayor, Aldermen, and Burgesses of the Borough of Burnley, acting by the Council.	1	The Mayor	6
The Local Government District of Brierfield.	The Brierfield Local Board.	—	—	1
The Local Government District of Padiham and Hapton.	The Padiham and Hapton Local Board.	—	—	2

SCHEDULE B.

Rural Sanitary District.

1.	2.	3.		4.
Name of District.	Name of Sanitary Authority.	Ex-officio Members.		Elective Members.
		Number.	Description.	Number.
The Rural Sanitary District of the Burnley Union.	The Guardians of the Poor of the Burnley Union, acting as the Rural Sanitary Authority.	—	—	3

Given under the Seal of Office of the Local Government Board, this Twenty-fifth day of May, One thousand eight hundred and ninety-four.

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

BOROUGH OF KINGS LYNN.

A.D. 1894.

Kings Lynn Order. (1.)

Provisional Order for partially repealing and altering certain Local Acts.

To the Mayor, Aldermen, and Burgesses of the Borough of Kings Lynn being the Urban Sanitary Authority for that Borough; —

And to all others whom it may concern.

WHEREAS the Borough of Kings Lynn (herein-after referred to as "the Borough") is an Urban Sanitary District, of which the Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to as "the Corporation"), are the Urban Sanitary Authority, and the unrepealed provisions of the Kings Lynn Waterworks and Borough Improvement Act, 1859, and the Kings Lynn Corporation Act, 1880 (which Acts are herein-after together referred to as "the Local Acts," and each of which Acts is herein-after separately referred to as the Act of the year in which it was passed), as altered by a Provisional Order of the Local Government Board dated the Fifth day of June, One thousand eight hundred and seventy-seven, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (Caistor Union, &c.) Act, 1877, and by another Provisional Order of the Local Government Board dated the Fourteenth day of May, One thousand eight hundred and eighty-nine, and duly confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act, 1889, are in force in the Borough;

22 Vict. c. xxxii.
43 & 44 Vict. c. cxlii.
40 & 41 Vict. c. ccxxvii.
52 & 53 Vict. c. lxi.

And whereas under and by virtue of the Local Acts the Corporation have constructed works for the supply of water to the Borough and adjoining districts, and are carrying on the water undertaking by those Acts authorised, and it is expedient that the said water undertaking should henceforth be carried on under and in accordance with the provisions of the Public Health Act, 1875:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall have effect; viz.,—

38 & 39 Vict. c. 55.

Art. I.—(1.) The following provisions of the Local Acts, viz.,—

Of the Act of 1859,—

Sections 26, 28, 30, 31, 36, 38, 40 to 45, 47, 51, 53 to 64, 89, 95, and 96 (all inclusive), the First and Second Schedules, and so much of Sections 17, 23, 24, and 88 as relates to waterworks;

Of the Act of 1880,—

Sections 26 to 28 (both inclusive), sub-section (3) of Section 31, and Section 32,

shall be repealed, except so far as the same may have been acted upon, and as it may be necessary to continue the same as regards existing mortgages.

(2.) The provisions of the Waterworks Clauses Act, 1847, with respect to the supply of water to be furnished by the Undertakers shall be incorporated with the Local Acts, except so far as any of such provisions are inconsistent with the provisions of the Public Health Act, 1875.

A.D. 1894.

Kings Lynn Order. (1.)

Art. II. The Local Acts shall be altered so as to provide that the said water undertaking shall be carried on by the Corporation under and subject to the provisions of the Public Health Act, 1875, as if such undertaking had been established by the Corporation under the powers of that Act, and that the following provisions shall also have effect, viz. :—

(1.) From and after the construction of the reservoir referred to in the King's Lynn Order (No. 2), 1894, the Corporation shall increase the length of the existing weir on the Gaywood River situate at Kettle Mill to such an extent as may be mutually agreed between Anthony Hammond of Westacre and Thomas Edward Bagge of Gaywood Hall (herein-after referred to as "the owners") and the Corporation, or, failing agreement, as shall be determined by William Henry Wheeler, civil engineer of Boston in the county of Lincoln.

(2.) From and after the construction of the said reservoir and the laying down of any aqueducts, conduits, or pipes in connection therewith for the supply of water by gravitation through any of the lands of the owners or along any road adjacent or near to such lands, the Corporation shall, on the request of the owners, furnish from such aqueducts, conduits, or pipes (but without prejudice to a full supply of water for the inhabitants of the borough) a supply of water for domestic and agricultural purposes to any house or lands of the owners adjacent or near to the said aqueducts, conduits, or pipes, so far as such houses or land are outside the limits of the water supply of the Corporation, and for the purposes of such supply the owners may at their own cost in all things, with the consent of the local or road authority, from time to time lay down and maintain all necessary pipes to communicate with any such aqueducts, conduits, or pipes of the Corporation, and all such communications shall be made and maintained under the superintendence and to the reasonable satisfaction of the engineer of the Corporation. The payment to be made for such water shall be as may be agreed upon between the owners and the Corporation, or such as, failing agreement, may be determined by an engineer to be appointed by the president for the time being of the Institution of Civil Engineers.

Art. III. This Order may be cited as the Kings Lynn Order, 1894.

Given under the Seal of Office of the Local Government Board, this Twenty-fifth day of May, One thousand eight hundred and ninety-four.

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

Kings Lynn Order. (2.)

BOROUGH OF KINGS LYNN.

Provisional Order to enable the Urban Sanitary Authority for the Borough of Kings Lynn to put in force the Compulsory Clauses of the Lands Clauses Acts.

To the Mayor, Aldermen, and Burgesses of the Borough of Kings Lynn, being the Urban Sanitary Authority for that Borough;—

And to all others whom it may concern.

WHEREAS the Mayor, Aldermen, and Burgesses of the Borough of Kings Lynn, as the Urban Sanitary Authority for that Borough (herein-after referred

to as "the Corporation"), require to purchase and take the lands described in the Schedule hereto for the following purposes; viz.,—

1. The lands mentioned in Part I. of the said Schedule for the purpose of constructing a service reservoir;
2. The lands mentioned in Part II. of the said Schedule for the purpose of constructing a well and pumping station:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 176 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the following provisions shall have effect; viz.,— 38 & 39 Vict. c. 55.

Art. I. The Corporation shall be empowered to put in force, with reference to the lands described in the Schedule hereto, and for the purposes aforesaid, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them.

Art. II. This Order may be cited as the Kings Lynn Order (No. 2), 1894.

The SCHEDULE above referred to.

County of Norfolk.

Nos. on deposited Plans.	Description of Lands.	Owners or reputed Owners.	Lessees or reputed Lessees.
		Part I.	
		Parish of Bawsey.	
(Sheet No. 5.) 7	Parcel of arable land containing 2a. 1r. 0p., being part of field numbered 110 on the Ordnance Map.	Anthony Hammond -	William Rolfe.
		Part II.	
		Parish of Gayton.	
(Sheet No. 9.) 4	A parcel of arable land numbered 300 on the Ordnance Map, containing about seven acres.	Earl of Romney and Viscount Marsham.	Robert Matthews.
5	A parcel of arable land numbered 310 on the Ordnance Map, and containing 8a. 0r. 13p.	Earl of Romney and Viscount Marsham, and Sir Lawrence Jones.	ditto.
6	A parcel of arable land numbered 297 on the Ordnance Map, and containing 13a. 3r. 9p.	Earl of Romney and Viscount Marsham.	Herbert Tallent.

Given under the Seal of Office of the Local Government Board, this Twenty-fifth day of May, One thousand eight hundred and ninety-four.

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

A.D. 1894.

West Kent Order.

WEST KENT MAIN SEWERAGE DISTRICT.

Provisional Order for altering certain Local Acts.

To the West Kent Main Sewerage Board;—

To the Beckenham Local Board, being the Sanitary Authority for the Urban Sanitary District of Beckenham, in the County of Kent;—

To the Bromley Local Board, being the Sanitary Authority for the Urban Sanitary District of Bromley, in the same County;—

To the Dartford Local Board, being the Sanitary Authority for the Urban Sanitary District of Dartford, in the same County;—

To the Guardians of the Poor of the Bromley Union, in the same County, being the Sanitary Authority for the Rural Sanitary District of that Union;—

And to all others whom it may concern.

38 & 39 Vict. c. clxiii.

WHEREAS by the West Kent Main Sewerage Act, 1875 (herein-after referred to as "the Act of 1875"), the West Kent Main Sewerage District (herein-after referred to as "the Sewerage District") was constituted, and the West Kent Main Sewerage Board (herein-after referred to as "the Sewerage Board") was established and incorporated for the purpose of constructing and maintaining main sewers and other works for the more effectual sewerage of parts of the western portion of the County of Kent;

39 & 40 Vict. c. lvii. 40 & 41 Vict. c. lxviii. 42 & 43 Vict. c. lxviii. 50 Vict. c. xv. 50 & 51 Vict. c. clxxix.

And whereas the said Act has been partially repealed and altered by the West Kent Main Sewerage (Amendment) Act, 1876, the West Kent Main Sewerage (Amendment) Act, 1877, and the West Kent Main Sewerage (Amendment) Act, 1879 (all which Acts are herein-after collectively referred to as "the Local Acts," and each Act separately as the Act of the year in which it was passed), and by a Provisional Order of the Local Government Board dated the Second day of June, One thousand eight hundred and eighty-six, and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act, 1886, and by another Provisional Order of the Local Government Board dated the Sixth day of June, One thousand eight hundred and eighty-seven, and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act, 1887;

And whereas the Beckenham Local Board, being the Sanitary Authority for the Urban Sanitary District of Beckenham, in the County of Kent, the Bromley Local Board, being the Sanitary Authority for the Urban Sanitary District of Bromley, in the same County, the Dartford Local Board, being the Sanitary Authority for the Urban Sanitary District of Dartford, in the same County, the Guardians of the Poor of the Bromley Union, in the same County, being the Sanitary Authority for the Rural Sanitary District of that Union, are (subject as regards the Dartford Local Board to two certain Agreements dated respectively the Twenty-sixth day of May, One thousand eight hundred and eighty-two, and the Fourteenth day of November, One thousand eight hundred and ninety, and made between that Local Board and the Sewerage Board) the Constituent Authorities (herein-after referred to as "the Constituent Authorities") of the Sewerage Board;

And whereas by Section 59 of the Act of 1875 it is enacted that the several Constituent Authorities shall contribute to the Sewerage Board according to the degree in which their respective Districts are or will be benefited by the execution and maintenance of the Sewerage Board's sewers;

And whereas by Section 60 of the Act of 1875 it is (inter alia) enacted that such of the several Constituent Authorities as shall for the time being be Rural Sanitary Authorities shall only make and levy such rates as by that Act they are authorised or required to make and levy for the purposes of that Act on such Parishes or parts of Parishes within their respective districts as shall from time to time be specially benefited by the construction and maintenance of the Sewerage Board's sewers;

And whereas by Section 62 of the Act of 1875 the Sewerage Board are empowered from time to time to make on the several Constituent Authorities such calls of money in respect of their contributions to the Sewerage Board required by that Act as that Board think fit;

And whereas by Section 8 of the Act of 1879 the Local Government Board were empowered, on the application of the Sewerage Board or any Constituent Authority, to appoint a referee to determine and declare as among the several Constituent Authorities in what degree the district of each of them is or will be benefited by the execution and maintenance of the Sewerage Board's sewers:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order, the Local Acts shall be altered so as to provide as follows, namely:— 38 & 39 Vict. c. 55.

Art. I. The Sewerage Board shall, subject to the provisions of Section 8 of the Act of 1879, and subject also as regards the Dartford Local Board to the provisions of the said two Agreements of the Twenty-sixth day of May, One thousand eight hundred and eighty-two, and the Fourteenth day of November, One thousand eight hundred and ninety, respectively, from time to time determine and declare the degree in which the respective districts of the Constituent Authorities are or will be benefited by the execution and maintenance of the sewers of the Sewerage Board, and notice in writing of every such determination and declaration shall be given by the Sewerage Board to each Constituent Authority one month at least before the Sewerage Board make any call of money in respect of contributions calculated upon the degree of benefit shown by such determination and declaration.

Art. II. Section 60 of the Act of 1875 shall be altered by the omission of the word "specially."

Art. III. The Sewerage Board may from time to time make byelaws with respect to all or any of the following matters in the sewerage district:—

(1.) For requiring a notice or notices to be given to the Sewerage Board by any person intending to cause any drain or sewer to communicate with a drain or sewer that communicates with a sewer of the Sewerage Board;

(2.) For preventing (subject to any exceptions provided for in such byelaws) any drain or sewer used or intended to be used to convey any subsoil water, or the drainage of any land, garden, court, roof, roadway, or path,

A.D. 1894.

West Kent Order.

being connected with a sewer of the Sewerage Board, or with any sewer that is connected or is intended to be connected with a sewer of the Sewerage Board :

Provided that no such byelaw shall prevent any drain which was at the commencement of this Order used to convey such water or drainage into a sewer of the Sewerage Board or into a sewer connected with a sewer of the Sewerage Board being continued to be so used.

Art. IV. It shall be the duty of the Constituent Authorities to enforce in their respective districts any byelaws made under Article III. of this Order, but, notwithstanding this provision, such byelaws may be enforced by the Sewerage Board in the event of any Constituent Authority neglecting to enforce them.

Art. V. The provisions contained in the Public Health Act, 1875, with respect to byelaws and the penalties which may be imposed thereby and the recovery and application of penalties shall apply to all byelaws made under Article III. of this Order and to all penalties imposed thereby.

Art. VI. This Order may be cited as the West Kent Main Sewerage Order, 1894.

Given under the Seal of Office of the Local Government Board, this Twenty-fifth day of May, One thousand eight hundred and ninety-four.

(L.S.)

G. Shaw-Lefevre, President.
Hugh Owen, Secretary.

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