CHAPTER cxxiii.

An Act to confirm certain Provisional Orders of the Local Government Board relating to Birkenhead Coventry and the Oakwell Joint Hospital District. A.D. 1909.

[16th August 1909.]

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:

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 Orders set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force. Orders in schedule confirmed.

2. This Act may be cited as the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1909. Short title.

A.D. 1909.

SCHEDULE.

BOROUGH OF BIRKENHEAD.

Birkenhead Order.

Provisional Order for partially repealing and altering the Birkenhead Corporation Act 1881 *the Birkenhead Corporation (Gas and Water) Act* 1881 *and the Birkenhead Corporation (Gas and Water) Act* 1890.

To the Mayor Aldermen and Burgesses of the Borough of Birkenhead;—

And to all others whom it may concern.

WHEREAS the Borough of Birkenhead (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;

44 & 45 Vict. c. cliii. 44 & 45 Vict. c. clii. 53 Vict. c. xviii.

And whereas the unrepealed provisions of the Birkenhead Corporation Act 1881 (herein-after referred to as "the Act of 1881") the Birkenhead Corporation (Gas and Water) Act 1881 (herein-after referred to as "the Gas and Water Act of 1881") and the Birkenhead Corporation (Gas and Water) Act 1890 (herein-after referred to as "the Act of 1890") are in force in the Borough;

And whereas by the Act of 1881 the Gas and Water Act of 1881 and the Act of 1890 (herein-after together referred to as "the Local Acts") the Corporation were empowered to construct gasworks and manufacture and store gas and residual products on certain lands;

And whereas the Corporation propose to acquire for purposes of their gas undertaking other than the manufacture of gas and residual products the lands described in the schedule to this Order and have made application to the Local Government Board for the issue of a Provisional Order to repeal alter or amend the Local Acts so as to enable them to use for those purposes the lands described in the said schedule and to sell or otherwise dispose of any lands vested in them

Birkenhead Order.

for the purposes of their gas undertaking and not required for those purposes:

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 that the following provisions shall take effect that is to say:—

38 & 39 Vict. c. 55.

Use of other lands for gas purposes.

Art. I. The Corporation may use the lands described in the schedule to this Order if and when acquired by them for the storage thereon of gas and for any purposes of or in connexion with their gas undertaking other than the manufacture of gas or residual products and other than the storage of tar ammoniacal liquor sulphate of ammonia spent lime and spent oxide.

Authorising Corporation to sell or otherwise dispose of lands not required for purposes of gas undertaking.

Art. II. The Corporation may with the consent of the Local Government Board sell or otherwise dispose of to such person in such manner and for such consideration and on such terms and conditions as they think fit any lands or any rights or interests in any lands which have been acquired by or are vested in the Corporation for the purposes of their gas undertaking and which are not required for the purposes of that undertaking or the Corporation may without that consent let lease or exchange any of those lands or any rights or interests therein and the Corporation may make do and execute any deed act or thing proper for effectuating any such sale letting lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Application of moneys from sale &c. of lands not required for purposes of gas undertaking.

Art. III. The Corporation shall apply all moneys in the nature of capital received by them in pursuance of Article II. of this Order in or towards paying off moneys borrowed by them for the purposes of their gas undertaking and for the time being owing or if there be no moneys so owing in or towards paying off any other moneys for the time being owing by the Corporation Provided that the moneys so received shall not be applied to the payment of instalments appropriations or annual repayments or to payments into any sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Short title.

Art. IV. This Order may be cited as the Birkenhead Order 1909 and the Birkenhead Order 1905 and this Order may be cited together as the Birkenhead Orders 1905 and 1909.

A.D. 1909.

Birkenhead Order.

The SCHEDULE above referred to.

All that piece or parcel of land situate in the Parish of Birkenhead in the County of Chester containing an area of twelve thousand two hundred and fourteen square yards or thereabouts and delineated and coloured pink on each of the two plans which are marked "Birkenhead Gas Lands 1909" and sealed with the official seal of the Local Government Board and of which one is deposited in their office and the other shall be deposited in the office of the Corporation within fourteen days from the date of this Order.

Given under the Seal of Office of the Local Government Board this Twenty-sixth day of May One thousand nine hundred and nine.

(L.S.)

John Burns President.
S. B. Provis Secretary.

CITY OF COVENTRY.

Coventry Order.

Provisional Order for partially repealing and altering the Coventry Corporation Gas Acts 1856 *to* 1898.

To the Mayor Aldermen and Citizens of the City of Coventry;—

And to all others whom it may concern.

WHEREAS the City of Coventry (herein-after referred to as "the City") is an Urban Sanitary District of which the Mayor Aldermen and Citizens acting by the Council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority and the unrepealed provisions of the Coventry Gas Act 1856 the Coventry Corporation (Gas Purchase) Act 1884 and the Coventry Corporation Gas Act 1898 (each of which Acts is herein-after referred to as the Act of the year in which it was passed and which Acts are herein-after together referred to as "the Local Acts") are in force in the District;

19 & 20 Vict. c. xxxviii.
47 & 48 Vict. c. cxxxi.
61 & 62 Vict. c. clxxiii.

And whereas by virtue of the Local Acts the Corporation are empowered to manufacture and supply gas within the limits defined in Section 7 of the Act of 1856 as extended by Section 5 of the Act of 1898 such limits as so extended being herein-after referred to as "the gas limits";

And whereas by Section 37 of the Act of 1884 the Corporation are authorised to supply or let for hire gas meters and fittings gas

engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used;

And whereas by Section 40 of the Act of 1884 the prescribed burner for the purposes of the Gasworks Clauses Act 1871 is defined;

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to repeal alter or amend the Local Acts to the extent and in the manner herein-after set forth:

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 partially repealed and altered so that the following provisions shall take effect that is to say:— 38 & 39 Vict. c. 55.

Amendment of Act of 1884.

Art. I. Section 37 of the Act of 1884 shall have effect as if there were added thereto the following paragraph that is to say:—

Exemption of Corporation fittings from distress.

Any such gas meters and fittings gas engines stoves ranges pipes apparatus appliances articles or things (herein-after referred to as "gas fittings") as are let for hire under this section and as are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners of the gas fittings shall not (whatever be the nature of the gas fittings or the form manner or circumstances of their provision or attachment on or to the premises whereon the gas fittings have been placed in pursuance of any letting for hire) be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the gas fittings may be.

Authorising Corporation to require an antifluctuator to be used for controlling supply of gas to a gas engine.

Art. II.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an antifluctuator in a suitable position upon the premises to which the gas is supplied and whereon the engine is in use or to keep an antifluctuator so fixed and used in proper order and repair at all times while in use or to repair renew or replace an antifluctuator which is not in proper order or repair.

If the consumer after any such notice as aforesaid fails to so fix and use an antifluctuator or to keep an antifluctuator in proper order and repair or to repair renew or replace an antifluctuator which is not in proper order and repair the Corporation may cease to supply him with gas.

(2) The Corporation may at all reasonable times demand and shall thereupon have access to any antifluctuator fixed upon any premises

A.D. 1909.

Coventry Order.

to which gas is supplied by the Corporation and for the purpose of ascertaining whether the antifluctuator is in proper order or repair may take off remove test and inspect the antifluctuator.

(3) In this Article the expression "antifluctuator" includes any apparatus appliance article or thing for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

Photometer.

Art. III.—(1) The Corporation shall maintain at the testing place provided by the Corporation in pursuance of Section 15 of the Act of 1898 the bar photometer and other necessary appliances for the purpose of testing the quality of the gas The standard light shall be that supplied by Harcourt's ten candle pentane lamp.

Burner.

(2) Section 40 of the Act of 1884 shall be repealed and for the purposes of the Gasworks Clauses Act 1871 the burner to be used for testing the gas shall be the Metropolitan Argand No. 2 and in making the test the burner shall be so used as to obtain from the gas when burned at the rate of five cubic feet per hour the greatest amount of light.

(3) The Board of Trade may on the application of the Corporation approve the use of any other burner photometer or standard light that may appear to that Board to be equally or more suitable for the testing.

Size and material of pipes and position of meters.

Art. IV.—(1) The Corporation may specify the size and material of any pipe on the premises of a consumer which (being other than a pipe for the purposes of communication between a main of the Corporation and a meter on the said premises) is to be laid or fixed by the consumer in such a manner or in such a position as to hinder or prevent the convenient inspection of the pipe at any time after the pipe is laid or fixed or while the pipe is in use for the supply of gas.

The Corporation in any such specification may prescribe particulars which may differ in detail and effect according as the premises to be supplied with gas belong to one or another of the several classes described in the specification and according as the Corporation set forth in the specification the quantity of gas which they estimate to be the greatest quantity consumable in any specified time upon premises of the class to which the said premises belong.

Every such specification shall be published once in each of two successive weeks in one and the same local newspaper published or circulating within the gas limits and a copy of the specification shall be kept at the office of the gas department of the Corporation and shall be open during office hours to inspection by any consumer or other person interested.

(2) Every meter belonging or let for hire to a consumer which is fixed in a new building or in a building not previously supplied with gas by the Corporation and which will be connected with a pipe laid or fixed or to be laid or fixed on the premises of the consumer for the purposes of communication with a main of the Corporation shall be fixed in such a position within the building as will be as near to the main as is reasonably practicable.

Notice and inspection.

(3) Every person who lays or fixes any such pipe or fixes any such meter as is herein-before in this Article described shall (not less than forty-eight hours before any work of covering up the pipe or any work which may hinder or prevent the convenient inspection of the pipe while the pipe is in use for the supply of gas is begun or not less than twenty-four hours before the meter is connected with a pipe for the purpose of communication with a main of the Corporation) give to the Corporation notice in writing of the situation of the premises or building whereon the pipe is laid or fixed or wherein the meter is fixed.

An officer duly appointed by the Corporation for the purpose or duly authorised in writing by the Corporation and producing his authority may within twenty-four hours after the receipt of the said notice by the Corporation enter the premises or building at any time between the hours of ten in the forenoon and five in the afternoon and inspect the pipe or meter.

In every case where in the opinion of the officer after the inspection of the pipe or meter the pipe is not in accordance with the particulars prescribed by a specification applicable for the time being to the said pipe and premises or the meter has not been fixed in such a position as to satisfy the requirements of subdivision (2) of this Article the officer may by an order in writing under his hand prohibit the use of the pipe or of the meter for the supply of gas or require the pipe to be altered or a pipe of specified size or material to be substituted or require the meter to be fixed in such other position as is described in the said order.

Refusal of supply.

(4) In every case where a person fails to give such notice or prevents obstructs or hinders such entry or inspection or refuses or neglects to do or to cause to be done any such work as is mentioned in subdivision (3) of this Article the Corporation may refuse to furnish any person with a supply of gas to or for the premises.

Appeals.

(5) A person aggrieved by any such order of an officer or any such refusal by the Corporation as is herein-before in this Article mentioned may within seven days after the date of the order or after the refusal appeal against the order or refusal to a court of summary jurisdiction.

Every such person shall give twenty-four hours' notice in writing of his appeal and of the grounds of his appeal to the town clerk.

A.D. 1909.

Coventry Order.

The court of summary jurisdiction for the determination of any such appeal may make such order as the court deem fit.

The order shall be final and so far as it requires anything other than the payment of money to be done or left undone may be enforced as provided by Section 34 of the Summary Jurisdiction Act 1879.

Article to be advertised.

(6) Notice of the provisions of this Article shall be given by advertisement inserted once in each of three consecutive weeks in one and the same local newspaper published or circulating in the City.

Short title.

Art. V. This Order may be cited as the Coventry Order 1909.

Given under the Seal of Office of the Local Government Board this Twenty-sixth day of May One thousand nine hundred and nine.

(L.S.)

John Burns President.
S. B. Provis Secretary.

OAKWELL JOINT HOSPITAL DISTRICT.

Oakwell Order.

Provisional Order for altering certain Confirming Acts.

To the Oakwell Joint Hospital Board;—

To the Mayor Aldermen and Burgesses of the Borough of Batley;—

To the Urban District Council of each of the Urban Districts of Birkenshaw Birstall Drighlington Gildersome and Gomersal;—

And to all others whom it may concern.

59 & 60 Vict. c. cvi. 61 Vict. c. xxxii. 62 & 63 Vict. c. cxlvii.

WHEREAS by virtue of the Oakwell Joint Hospital Orders 1896 to 1899 which were respectively confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1896 the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1898 and the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1899 (each of which Orders is herein-after referred to as the Order of the year in which it was made and which Orders and Confirming Acts are herein-after collectively referred to as "the Orders" and "the Confirming Acts") the Urban Districts of Birkenshaw Birstall Drighlington Gildersome and Gomersal constitute the United District called the Oakwell Joint Hospital District (herein-after referred to as "the United District") of which the governing body is the Oakwell Joint Hospital Board (herein-after referred to as "the Joint Board");

And whereas it is expedient that the Borough of Batley in the County of the West Riding of Yorkshire should be included in the

United District and that the Orders should be altered as herein-after provided : A.D. 1909.

Oakwell Order.

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 (herein-after referred to as "the commencement of this Order") the Confirming Acts so far as they respectively relate to the Orders shall be altered as follows:— 38 & 39 Vict. c. 55.

Extension of United District.

Art. I. The United District shall be extended so as to include the Borough of Batley and subject to the provisions of this Order references in the Orders to the Constituent Districts shall be deemed to include the Borough of Batley and references in the Orders to the Constituent Authorities shall be deemed to include the Mayor Aldermen and Burgesses acting by the Council of the Borough of Batley.

Ex-officio and elective members of Joint Board.

Art. II. Article III. of the Order of 1896 as altered by the Orders of 1898 and 1899 shall be further altered so that the Joint Board shall consist of six ex-officio members and of eighteen elective members and the ex-officio members shall be the persons described in column 3 of the Schedule hereto and the number of elective members to be elected by each of the Constituent Authorities shall be that set opposite to the name of that constituent authority in column 4 of that Schedule.

Election of elective members by council of borough.

Art. III. The provisions of Article X. of the Order of 1896 shall apply to the first election by the Council of the Borough of Batley of the elective members to represent that Council on the Joint Board as if the election related to the filling of a vacancy occurring on the day of the date of the Act of Parliament confirming this Order.

Schedule.

Art. IV. The Order of 1896 as altered by the Orders of 1898 and 1899 and by this Order shall have effect as if the Schedule to this Order were substituted for the Schedules referred to in the Orders.

Adjustment.

Art. V. The Local Government Board upon the application of any of the Constituent Authorities or of the Joint Board may by order adjust as between the Constituent Authorities or as between the Constituent Authorities and the Joint Board any expense or liability incurred by or attaching to the Joint Board before the date of the Act of Parliament confirming this Order or any expense liability or accounts arising out of incidental to connected with or affected by the inclusion of the Borough of Batley in the United District or any expense liability or accounts in respect of which doubt or difference may arise after the date of the said Act and the Local Government Board may in every order made in pursuance of this Article deal with any matters which may be dealt with by an Order or Provisional Order made under Section 304 of the Public Health Act 1875.

A.D. 1909.

Oakwell Order.

Short titles.

Art. VI. This Order may be cited as the Oakwell Joint Hospital Order 1909 and the Oakwell Joint Hospital Orders 1896 to 1899 and this Order may be cited together as the Oakwell Joint Hospital Orders 1896 to 1909.

The SCHEDULE above referred to.

1.	2.	3.		4.
Name of District.	Name of District Council.	Ex-officio Members.		Elective Members.
		Number.	Description.	Number.
The Borough of Batley.	The Mayor Aldermen and Burgesses of the Borough of Batley acting by the Council.	1	The Mayor -	12
The Urban District of Birkenshaw.	The Urban District Council of Birkenshaw.	1	The Chairman of the District Council.	1
The Urban District of Birstall.	The Urban District Council of Birstall.	1	The Chairman of the District Council.	2
The Urban District of Drighlington.	The Urban District Council of Drighlington.	1	The Chairman of the District Council.	1
The Urban District of Gildersome.	The Urban District Council of Gildersome.	1	The Chairman of the District Council.	1
The Urban District of Gomersal.	The Urban District Council of Gomersal.	1	The Chairman of the District Council.	1

Given under the Seal of Office of the Local Government Board this Twentieth day of May One thousand nine hundred and nine.

(L.S.)

John Burns President.
S. B. Provis Secretary.

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