

CHAPTER xxvii

An Act to confirm a Provisional Order of the Minister of Health relating to the borough of Morley.

[30th July 1949.]

WHEREAS under the provisions of the Public Health Act 1875 the Minister of Health has made a Provisional Order which needs confirmation by Parliament: 38 & 39 Vict. c. 55.

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. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Morley) Act 1949. Short title.

SCHEDULE

BOROUGH OF MORLEY

Provisional Order altering a local Act

WHEREAS the mayor aldermen and burgesses of the borough of Morley acting by the council (hereinafter referred to as "the Corporation") are the local authority for the said borough for the purposes of the Public Health Act 1875:

3 & 4 Geo. 5. c. cxii.

And whereas section 29 of the Morley Corporation Act 1913 (hereinafter referred to as "the Act of 1913") authorised the Corporation inter alia to make general regulations which should be conformed to by traders who at the passing of that Act discharged or should thereafter discharge trade refuse into the sewers of the Corporation and provided that such general regulations should provide for certain operations by and at the cost of the trader:

And whereas the Corporation have made general regulations containing such provision:

And whereas it is expedient that section 30 of the Act of 1913 (which provided for the modification of regulations made under the said section 29) should be repealed to the intent that the Corporation may have the powers of revoking amending and varying regulations which are contained in subsection (3) of section 32 of the Interpretation Act 1889 and that the said section 29 should be amended in manner hereinafter appearing:

52 & 53 Vict. c. 63.

And whereas the Corporation have applied to the Minister of Health for the issue of a Provisional Order accordingly:

Now therefore the Minister of Health 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 and commencement.

1. This Order may be cited as the Morley Corporation Order 1949 and shall come into operation on the date of the Act of Parliament confirming it.

Repeal of section 30 of Act of 1913.

2. Section 30 (Right to call for modification of regulations) of the Act of 1913 is hereby repealed.

Amendment of section 29 of Act of 1913.

3. Section 29 (Corporation may make general regulations) of the Act of 1913 shall have effect as if—

(*a*) at the end of subsection (1) thereof there were added the words "and any such regulations may make different provision in respect of different premises or classes of premises or different trade refuse or classes of trade refuse";

(*b*) the following subsection were substituted for subsection (4) thereof:—

"(4) Such general regulations shall also provide that in any case where the exclusion referred to in subsection (2) of this section is not practicable or the removal or regulation therein referred to is not practicable or cannot be effected at a reasonable cost some alternative method for the discharge of the trade refuse concerned shall be adopted and such general regulations may provide that where there shall be exceptional circumstances as regards volume quality or otherwise of such trade refuse or of surface water or condensing water discharged into a sewer payment shall be made by the trader either by means of fixed charges per thousand gallons or otherwise for all such trade refuse surface water and condensing water and where such general regulations make such provision they shall prescribe the method to be adopted for ascertaining the quantity and flow of the same";

(*c*) the following subsection were inserted after subsection (8) thereof:—

"(8A) If a trader affected by regulations for the time being in force under this section represents to the Corporation that any of the regulations operates unreasonably so far as the discharge of trade refuse from any premises which he occupies is concerned and requests that the regulations be amended a meeting shall be convened in accordance with the provisions of the next following subsection within three months after the making of the representation";

(*d*) in subsection (9) thereof the words "and shall be held within three months from the passing of this Act" were omitted.

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