



CHAPTER lxxviii.

An Act to confirm a Provisional Order of the A.D. 1935.
Minister of Health relating to the borough of —
Harrogate. [2nd August 1935.]

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

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 Order in
set out in the schedule to this Act is hereby confirmed schedule
and shall have full validity and force. confirmed.

2. This Act may be cited as the Ministry of Health Short title.
Provisional Order Confirmation (Harrogate) Act 1935.

A.D. 1935.

SCHEDULE.

*Harrogate
Order.*

BOROUGH OF HARROGATE.

Provisional order altering certain local Acts.

WHEREAS the mayor aldermen and burgesses of the borough of Harrogate acting by the council (in this order called "the corporation") carry on a water undertaking in pursuance of the Harrogate Corporation (Waterworks Transfer) Act 1897 as amended by certain local Acts and supply water within certain limits;

And whereas the corporation have applied to the Minister of Health for a provisional order to amend the said local Acts in the manner following:

Now therefore the Minister of Health in pursuance of the powers conferred upon 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 com-
mencement.

1. This order may be cited as the Harrogate Order 1935 and shall come into operation on the date of the Act of Parliament confirming it.

Interpreta-
tion.

2. In this order unless the context otherwise requires—

"the added areas" means the areas added by this order to the water limits;

"the appointed day" means the date on which this order comes into operation;

"the local Act" means the Harrogate Corporation (Waterworks Transfer) Act 1897 as amended by the Harrogate Water Acts 1901 and 1903 the Harrogate Corporation Water Act 1911 and the Harrogate Corporation Act 1924;

"the Minister" means the Minister of Health;

"the rural district" means the rural district of Knaresborough and "the rural council" means the council of that district; and

"the water limits" means the limits within which the corporation are authorised to supply water by the local Act.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
Provisional Order Confirmation (Harrogate) Act, 1935.

3.—(1) The water limits shall be extended so to include the parishes of Brearton Cayton with South Stainley Farnham Felliscliffe Ferensby Flaxby Follifoot Goldsborough Hampsthwaite Killinghall Nidd Plumpton Ripley Scotton and Walkingham Hill-with-Occaney in the rural district.

A.D. 1935.

—
*Harrogate
Order.*

Extension of
water limits.

(2) Subject to the provisions of this order the corporation for the purposes of the supply of water within the added areas may exercise the powers which they are authorised to exercise by the local Act and by the Harrogate Waterworks Act 1897 and shall be subject to the obligations to which they are subject under that Act and under the local Act within that part of the water limits which is comprised in the rural district :

Provided that subsections (2) (3) and (4) of section 4 (Rates for supply of water for domestic purposes) of the Harrogate Corporation Water Act 1911 shall apply to the added areas.

4.—(1) On the appointed day all works mains pipes lands easements and buildings belonging to the rural council and used by them for the supply of water in the added areas and all obligations of the rural council in respect of such works mains pipes lands easements and buildings (other than obligations in respect of money borrowed) shall be transferred to vested in and attached to the corporation and all agreements contracts deeds and other instruments affecting the rural council and relating to such works mains pipes lands easements and buildings in force on the appointed day shall have effect as if the corporation were a party thereto instead of the rural council :

Transfer of
waterworks.

Provided that the provisions of this section shall not apply to—

- (a) the waterworks at Saltergate Hill in the parish of Hampsthwaite; or
- (b) waterworks in any parish vested in the rural council and used solely for the purpose of giving a gratuitous supply of water until the corporation shall have laid a main for the supply of water to a point not more than two hundred yards from the place at which such gratuitous supply is given.

(2) The corporation shall pay to the rural council the value on the appointed day of the works mains pipes lands easements and buildings vested in the corporation under this section and such value unless agreed shall be determined by an arbitrator appointed by the Minister of Health :

Provided that the works mentioned in the proviso to subsection (1) of this section shall not be included in the valuation to be made as aforesaid but on the vesting in the corporation of works giving a gratuitous supply in the parish of Scotton the corporation shall pay to the rural council an amount sufficient to

[Ch. lxxviii.] *Ministry of Health* [25 & 26 GEO. 5.]
Provisional Order Confirmation (Harrogate) Act, 1935.

A.D. 1935.

—
*Harrogate
Order.*

discharge the loan charges then outstanding in respect thereof less the amount which should be in any sinking fund for the repayment of such charges.

(3) All moneys received by the rural council under subsection (2) of this section shall be applied by them in repayment of moneys borrowed for the purposes of the transferred mains pipes lands easements and buildings and to such other purposes as the Minister may approve.

(4) The works mains pipes lands easements and buildings vested in the corporation by this order shall form part of their water undertaking.

(5) A supply of water for flushing sewers and for highway purposes shall be provided by the corporation to the rural council where available in the added areas on the same terms as those on which water is supplied by the corporation to the rural council for those purposes within the water limits.

Application of
Public Health
Act 1875.

5. For the purposes of section 52 of the Public Health Act 1875 the corporation shall be deemed to be a water company.

Interpreta-
tion and
amendment
of Acts of
1897 and
1901.

6.—(1) For the removal of doubt be it enacted that subsections (1) to (9) of section 41 of the local Act (which relate to the purchase of water mains and the supply of water in bulk) shall not apply except within so much of the rural district as is comprised within the limits of that Act as defined in section 5 thereof.

(2) Section 38 of the Harrogate Water Act 1901 (which relates to the supply of water in bulk to certain parishes) shall not apply within the added areas.

Guarantees
by rural
council.

7.—(1) The rural council may give and enter into a guarantee or contract for securing payment to the corporation of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between the rural council and the corporation for the purpose of or with respect to the providing or laying down by the corporation of any main pipe or works for the supply of water within any part of the rural district comprised within the water limits.

(2) Subject to the provisions of subsections (4) and (5) of section 190 of the Local Government Act 1933 any expenses incurred by the rural council in pursuance of this section shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

Limit of
pressure.

8. The water supplied by the corporation within the added areas need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is taken.

[25 & 26 GEO. 5.] *Ministry of Health* [Ch. lxxviii.]
Provisional Order Confirmation (Harrogate) Act, 1935.

9. The corporation shall not be required to supply with water any buildings the construction of which is commenced after the appointed day on land at a higher level than fifty feet below the top water level of the service reservoir from which such supply would otherwise be furnished thereto by them until such premises have been provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply therefor for a period of twenty-four hours.

A.D. 1935.

—
*Harrogate
Order.*

Cisterns to be provided for high level supplies.

10. The power of making byelaws conferred by section 33 (Byelaws for preventing waste of water) of the local Act shall extend to enable the corporation to make byelaws as to the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus and prescribing the charge to be made for such testing and stamping.

Extension of powers for preventing waste &c. of water.

11. Notwithstanding anything contained in any Act or order relating to the corporation the corporation shall have the exclusive right of executing any works on any of the water mains of the corporation for connecting any communication or service pipe therewith and the corporation shall on the request in writing of any owner or occupier of any premises who is entitled to be supplied with water by the corporation execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and the reasonable expenses of the corporation for so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Corporation to connect communication pipes with mains.

12.—(1) The corporation may demand water rates and charges both within and without the borough by half-yearly instalments in advance on the first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

Collection of water rate.

(2) If the corporation exercise the powers of subsection (1) of this section—

- (a) every person liable to the payment of such rate or charge who shall remove from the premises in respect of which the rate is paid during any part of the period for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he quits the said premises and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the corporation; and

[Ch. lxxviii.] *Ministry of Health* [25 & 26 GEO. 5.]
Provisional Order Confirmation (Harrogate) Act, 1935.

A.D. 1935.

—
*Harrogate
Order.*

(b) every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

(3) Subsection (3) of section 15 (Water rate may be collected with general rate) of the Harrogate Corporation Act 1924 is hereby repealed.

Supply in
bulk from
Leeds cor-
poration.

13. Section 19 (For the protection of the Knaresborough Rural District Council) of the Leeds Corporation Water Act 1901 shall have effect as if the corporation were therein mentioned instead of the rural council.

For protec-
tion of West
Riding
county
council.

14. In the application of section 6 of the Harrogate Waterworks Act 1897 and section 40 of the Harrogate Water Act 1901 to the added areas the said sections shall be read and construed as though the following provisions were contained in the said section 6 (that is to say) :—

After the laying of any mains or pipes in a county road the road shall be restored and made good in accordance with a specification to be approved by the surveyor of the county council who shall take into consideration the character and formation of the particular road but shall not unreasonably withhold his approval.

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