# CHAPTER xci.

An Act to confer powers upon the mayor aldermen and burgesses of the borough of Bacup in regard to the running of public service vehicles and to make further provision in relation to the tramway and light railway water and electricity undertakings of the said mayor aldermen and burgesses and for other purposes. A.D. 1931.

[31st July 1931.]

WHEREAS the borough of Bacup (in this Act called "the borough") in the county palatine of Lancaster is under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas the Corporation are the owners of the tramways in the borough and such tramways are at present operated by the mayor aldermen and burgesses of the borough of Rawtenstall in pursuance of an indenture of lease dated the seventh day of July nineteen hundred and fifteen which lease expires on the twenty-third day of July nineteen hundred and thirty-nine:

And whereas the Corporation are also the owners of a light railway in the borough and such light railway is at present operated by the mayor aldermen and burgesses of the borough of Rochdale under the provisions of an agreement dated the sixth day of March nineteen

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hundred and eleven and made between the Corporation and the said mayor aldermen and burgesses which agreement will terminate on the ninth day of September nineteen hundred and forty:

And whereas it is expedient to confer powers upon the Corporation with reference to the running by them of public service vehicles under and subject to the conditions which are contained in this Act and to make such provision as is therein contained with reference to the abandonment and discontinuance of the said tramways and light railway:

And whereas the Corporation are the owners of waterworks and are authorised by the Rossendale Waterworks Act 1853 the Rossendale Waterworks Amendment Act 1854 the Bacup Corporation Water Act 1894 the Bacup Order 1897 the Bacup Corporation Water Act 1898 the Bacup Corporation Act 1906 the Bacup Order 1912 and the Bacup and Bury and District Joint Water Board Order 1913 to supply water in the borough and in part of the borough of Rawtenstall:

And whereas it is expedient to alter and increase the rates and charges which the Corporation may demand and take in respect of the supply of water by them and to make further provision in regard to their water undertaking:

And whereas by the Bacup Electric Lighting Order 1890 the Corporation are empowered to supply electricity for all public and private purposes within the borough and it is expedient to make further provision in regard to their electricity undertaking:

And whereas it is expedient to provide for the establishment of a consolidated loans fund by the Corporation and to make further provision with regard to their finances and the application of the revenues of their several undertakings:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

May it therefore please Your Majesty that it may be enacted and be it 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 :— A.D. 1931.

## PART I.

### PRELIMINARY.

Short and collective titles.

**1.**—(1) This Act may be cited as the Bacup Corporation Act 1931.

(2) The Bacup Corporation Water Acts 1853 to 1906 and this Act may be jointly cited as the Bacup Corporation Water Acts 1853 to 1931.

Division of Act into Parts.

**2.** This Act is divided into Parts as follows :—

Part I.—Preliminary.
Part II.—Road transport.
Part III.—Water.
Part IV.—Electricity.
Part V.—Finance.
Part VI.—Miscellaneous.

Incorporation of Lands Clauses Acts.

**3.** The Lands Clauses Acts so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845).

Interpretation.

**4.**—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the borough of Bacup;

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"The borough" means the borough of Bacup;

"The council" means the council of the borough;

"The mayor" "the town clerk" and "the treasurer" mean respectively the mayor the town clerk and the treasurer of the borough and respectively include any persons duly authorised to discharge temporarily the duties of those offices;

"The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;

"The Accrington Corporation" "the Haslingden Corporation" "the Rawtenstall Corporation" and "the Rochdale Corporation" mean respectively the mayor aldermen and burgesses of the borough of Accrington the mayor aldermen and burgesses of the borough of Haslingden the mayor aldermen and burgesses of the borough of Rawtenstall and the mayor aldermen and burgesses of the borough of Rochdale;

"The lease" means the indenture of lease dated the seventh day of July nineteen hundred and fifteen and made between the Corporation and the Rawtenstall Corporation;

"The Bacup tramways" means the tramways of the Corporation which are at present operated by the Rawtenstall Corporation in pursuance of the lease;

"The agreement" means the agreement dated the sixth day of March nineteen hundred and eleven and made between the Corporation and the Rochdale Corporation;

"The Bacup light railway" means the light railway authorised by the Bacup Corporation Light Railway Order 1910 and at present operated by the Rochdale Corporation in pursuance of the agreement;

"Public service vehicle" has the meaning assigned to that expression by the Road Traffic Act 1930;

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"The road transport undertaking" means the road transport undertaking of the Corporation for the time being and includes their tramway undertaking their light railway undertaking and their public service vehicle undertaking;

"Telegraphic line" has the same meaning as in the Telegraph Act 1878;

"The water limits" means the limits for the time being of the Corporation for the supply of water;

"The water undertaking" means the water undertaking of the Corporation for the time being authorised;

"The electricity limits" means the limits for the time being of the Corporation for the supply of electricity;

"The electricity undertaking" means the electricity undertaking of the Corporation for the time being authorised;

"Daily penalty" means a penalty for every day on which an offence is continued by a person after conviction thereof;

"Statutory security" "statutory borrowing power" and "revenues of the Corporation" have respectively the meanings assigned to those expressions by section 3 (Interpretation) of the Act of 1906;

"The Minister" means the Minister of Health;

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

"The Act of 1853" "the Order of 1890" "the Act of 1894" "the Act of 1898" and "the Act of 1906" mean respectively the Rossendale Waterworks Act 1853 the Bacup Electric Lighting Order 1890 the Bacup Corporation Water Act 1894 the Bacup Corporation Water Act 1898 and the Bacup Corporation Act 1906.

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## PART II.

### ROAD TRANSPORT.

Power to run public service vehicles.

**5.**—(1) Subject to the provisions of this Act the Corporation may (in addition and without prejudice to the exercise of their powers under any other enactment for the time being applicable to them) provide and maintain (but shall not manufacture) and may run public service vehicles along the following routes (that is to say) :—

Route No. 1 (in the borough) Commencing at the junction of St. James' Square and Market Street proceeding through St. James' Square in a southerly and then in a south-easterly direction along the county road leading to the county borough of Rochdale to and terminating at the boundary of the borough;

Route No. 2 (in the borough and the boroughs of Rawtenstall Haslingden and Accrington) Commencing at the junction of Market Street and Union Street in the borough proceeding in an easterly direction along Union Street aforesaid as far as its junction with the said county road leading to Rochdale and thence in a northerly direction to and through St. James' Square and thence in a southerly direction along Market Street the county road forming the continuation westwards of Market Street and the county road leading from the borough through Queen's Square in the borough of Rawtenstall as far as its junction with the county road leading from the city of Manchester through the borough of Haslingden to the borough of Accrington and thence along such last-mentioned road in a northerly and then in a north-westerly direction through Commercial Centre in the borough of Haslingden as far as its junction with Hill Street Baxenden in the borough of Accrington and thence along such road or roads in the said borough of Accrington as may be prescribed by the Accrington Corporation and specified in any agreement entered into under section 105 of

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the Road Traffic Act 1930 as applied to the provisions of this Act to which both the Corporation and the Accrington Corporation are parties;

Route No. 2A (in the borough of Rawtenstall) Commencing at the junction of Route No. 2 and the county road leading from Queen's Square to the county borough of Bury proceeding in a south-westerly direction along such last-mentioned road as far as its junction with Cheapside and thence in a north-westerly direction along Cheapside and terminating at its junction with Route No. 2:

Provided that—

(*a*) The Corporation shall not under the powers of this section except with the consent of the Rochdale Corporation run public service vehicles along Route No. 1 until after the ninth day of September nineteen hundred and forty so long as the service of road transport provided by the Rochdale Corporation along that route is adequate and satisfactory and any question whether such service is adequate and satisfactory shall be determined by the commissioners appointed for the traffic area which comprises the borough under the Road Traffic Act 1930;

(*b*) Except for the purposes of an agreement entered into under the provisions of section 105 of the Road Traffic Act 1930 (as applied to this Act by this section) the Corporation shall not under the powers of this section without the consent of the Rawtenstall Corporation run public service vehicles along so much of Route No. 2 as is situate within the borough so long as the Bacup tramways on that route are being operated by the Rawtenstall Corporation in pursuance of the lease;

(*c*) The Corporation shall not under the powers of this section without the consent of the Rawtenstall Corporation the Haslingden Corporation and the Accrington Corporation

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respectively run public service vehicles along so much of Route No. 2 as is situate within the boroughs of Rawtenstall Haslingden and Accrington respectively or along Route No. 2A except in pursuance of an agreement entered into between the Corporation and the Rawtenstall Corporation the Haslingden Corporation and the Accrington Corporation respectively in regard to their respective boroughs under the provisions of the said section 105 of the Road Traffic Act 1930 (as applied to this Act by this section).

(2) Every public service vehicle moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

(3) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the public service vehicles of the Corporation as if they were carriages used on tramways.

(4) Sections 103 104 and 105 of the Road Traffic Act 1930 shall extend and apply to and in respect of the exercise by the Corporation of the powers of this section as if the Corporation were a local authority authorised to run public service vehicles under Part V of that Act within the meaning of those sections and as if the public service vehicles referred to in this section were public service vehicles which they were so authorised to run.

For protection of Rochdale Corporation.

**6.** Notwithstanding anything contained in section 13 (For protection of Bacup Corporation) of the Rochdale Corporation Act 1925 the following provisions for the protection of the Rochdale Corporation shall unless otherwise agreed between the Corporation and the Rochdale Corporation have effect (namely) :—

If the Rochdale Corporation shall cease to work the Bacup light railway before the ninth day of September nineteen hundred and forty the consent of the Corporation shall not prior

to that date be required to the taking up of passengers on Route No. 1 for the purpose of conveyance in the omnibuses of the Rochdale Corporation:

Provided that for the purposes of any application made by the Corporation prior to the said ninth day of September nineteen hundred and forty in pursuance of section 72 of the Road Traffic Act 1930 for any road service licence in relation to any period commencing on or after the tenth day of September nineteen hundred and forty the Rochdale Corporation shall not be deemed to be a person who is already providing transport facilities along the route of the Bacup light railway within the meaning of that section.

Nothing contained in this section shall be deemed to prejudice or affect the operation of the agreement or prevent the determination thereof by agreement between the parties thereto.

As to liability for repair of roads.

**7.** As from the date upon which and so long as a service of public service vehicles is provided by the Corporation under the provisions of this Act in lieu of a tramway or light railway service the revenue of the road transport undertaking shall to such extent as the Corporation may from time to time by resolution determine cease to be charged with any expenses incurred by the Corporation upon or in connection with the maintenance and repair of roads along the route or routes upon which such service of public service vehicles is provided under any statutory enactment relating to that undertaking but nothing in this section shall relieve the Corporation of any liability attaching to them in respect of such maintenance and repair.

As to abandonment of tramways and light railway.

**8.**—(1) (*a*) At any time after the date of the termination or sooner determination of the lease or (with the consent in writing of the Rawtenstall Corporation) before that date the Bacup tramways may be abandoned or discontinued either temporarily or permanently.

(*b*) At any time after the date of the termination or sooner determination of the agreement or (with the

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consent in writing of the Rochdale Corporation) before that date the Bacup light railway may be abandoned or discontinued either temporarily or permanently.

(*c*) Provided that no such tramway or light railway shall be so abandoned or discontinued by the Corporation under the provisions of this section until they shall have provided or arranged for the provision of public service vehicles on the route of such tramway or light railway or on the portion thereof so proposed to be abandoned or discontinued or along such other route (in lieu of the route of such tramway or light railway or portion thereof as aforesaid) as shall be certified by the Minister of Transport to be a route in substitution for the route of a tramway or light railway proposed to be abandoned or discontinued.

(2) The Corporation may after any such abandonment or discontinuance take up and remove and use or dispose of the rails of any such tramway or light railway or part of a tramway or light railway and the posts poles wires and other works and apparatus provided in connection therewith.

(3) Nothing in this section shall relieve the Corporation of any liability imposed upon them by section 41 (Tramways to be removed in certain cases) of the Tramways Act 1870 in relation to any tramway in the event of the Corporation discontinuing the working of such tramway otherwise than in accordance with the provisions of this section.

Through vehicles.

**9.** The Corporation may run through public service vehicles along any route on which the Corporation are for the time being authorised to run public service vehicles and such vehicles shall be distinguished from other public service vehicles in such manner as may be directed by the Corporation and they may demand and take for every passenger by such vehicles a fare or charge not exceeding the maximum fare or charge for the time being chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such vehicle Provided that during the running of such through public service vehicles the Corporation shall maintain a reasonably sufficient ordinary service of public service vehicles.

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Power to reserve vehicles for special purposes.

**10.**—(1) Notwithstanding anything contained in this or any other Act or Order to the contrary the Corporation may on any occasion run and reserve public service vehicles on any route on which the Corporation are for the time being authorised to run such vehicles for any special purpose which the Corporation may consider necessary or desirable provided that such special public service vehicles shall be distinguished from other public service vehicles in such manner as the Corporation may direct and that during the running of such special public service vehicles the Corporation shall maintain a reasonably sufficient ordinary service of such vehicles.

(2) The Corporation may make byelaws and regulations for prohibiting the use of any such special public service vehicles by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this or any other Act or Order as to fares rates or charges for passengers shall not extend to any special vehicles run for such special services as aforesaid and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

Cloakrooms &c.

**11.** The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depot or building used by them in connection with their public service vehicle undertaking and at suitable places on the routes of their public service vehicles and the Corporation may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein Provided that except with the consent of the London Midland and Scottish Railway Company no cloakroom room or shed shall be provided by the Corporation so as to cause interference with or render less convenient the access to or exit from any station or depot of that Company nor shall any such cloakroom room or shed be erected or maintained on any bridge carrying any street or road over the railways of such railway company.

Lost property.

**12.** Any property found in any public service vehicle of the Corporation or in any shelter or waiting-room in connection with their public service vehicle

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undertaking shall forthwith be handed to the conductor of the public service vehicle or be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the public service vehicle undertaking but the provisions of this section shall only have effect subject to any regulations which may be made by the Minister of Transport under section 94 of the Road Traffic Act 1930.

As to byelaws &c. under this Part of Act.

**13.** Any byelaws and regulations made by the Corporation under the provisions contained in this Part of this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

Separate accounts.

**14.** In the accounts of the Corporation relative to the road transport undertaking the receipts and expenditure upon and in connection with public service vehicles shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking and in such accounts capital shall be distinguished from revenue.

Accounts to be furnished to Minister of Transport.

**15.** The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of the road transport undertaking.

For protection of Rawtenstall Corporation.

**16.** Except as is provided by the section of this Act of which the marginal note is "Power to run public service vehicles" the provisions of this Part of this Act and of Part V of the Road Traffic Act 1930 shall not apply and the powers thereof shall not be exercised within the borough of Rawtenstall except in pursuance of an agreement between the Corporation and the Rawtenstall Corporation and upon and subject to such terms and conditions as may be specified in such agreement :

Provided that section 91 of the Road Traffic Act 1930 shall apply and have effect in regard to the restriction or limitation imposed by this section as if this section had been enacted prior to the first day of August nineteen hundred and thirty. A.D. 1931.

**17.** For the protection of the mayor aldermen and burgesses of the borough of Todmorden (in this section referred to as "the Todmorden Corporation") the following provisions shall unless otherwise agreed in writing between the Todmorden Corporation and the Corporation apply and have effect (that is to say):— For protection of Todmorden Corporation.

(1) In this section the expression "the protected route" means the route between the Town Hall Todmorden and the Cattle Market Burnley via Rochdale Road and Bacup Road Todmorden Todmorden Road Yorkshire Street St. James' Square and Burnley Road Bacup Bacup Road and Todmorden Road in the Burnley Rural District Todmorden Road Yorkshire Street St. James' Street and Parker Lane Burnley including Grimshaw Street and Manchester Road Burnley:

(2) Notwithstanding anything in any enactment but subject to the provisions of subsection (3) of this section the Corporation shall not except with the consent in writing of the Todmorden Corporation run or consent to the running of any public service vehicle or enter into any agreement with any local authority company body or person for or with respect to or contingent upon the provision running management working or maintenance of any public service vehicle along the protected route or any part thereof:

Provided that this subsection shall have effect as regards the protected route or any part thereof so long only as the Todmorden Corporation either alone or in conjunction with any local authority company body or person provide a service of public service vehicles sufficient to meet the reasonable requirements of the public along the protected route or the said part thereof:

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(3) If in any case after the thirty-first day of December nineteen hundred and thirty-six or the date upon which the Bacup tramways and the Bacup light railway shall be permanently abandoned or discontinued under the powers of this Act or otherwise (whichever shall be the later) the Corporation shall apply to the Todmorden Corporation for their consent under subsection (2) of this section in relation to so much of the protected route as is situate within the borough or any part thereof and such consent is refused the Corporation may appeal to the Minister of Transport and if the said Minister after hearing the Todmorden Corporation is of opinion having regard to all the circumstances of the case that such consent has been unreasonably withheld the said Minister may dispense with such consent so far as relates to the running of any public service vehicle on so much of the protected route as is situate within the borough or any such part thereof :

(4) Failure to provide any service shall not deprive the Todmorden Corporation of the protection afforded by this section if such failure is due to strikes unforeseen accidents or circumstances beyond the control of the Todmorden Corporation or any local authority company body or person working in conjunction with the Todmorden Corporation :

(5) Any question at any time arising between the Todmorden Corporation and the Corporation as to whether or not a sufficient service of public service vehicles within the meaning of this section is being provided shall be determined by the Minister of Transport on the application of either party after notice in writing to the other and the provisions of the Arbitration Act 1889 shall subject as aforesaid apply to the determination of any such question.

Saving for Part IV of Road Traffic Act 1930.

**18.** Except as is provided in—

(1) so much of subsection (1) of the section of this Act of which the marginal note is "Power to run public service vehicles" as

confers power upon the Accrington Corporation to prescribe part of Route No. 2 therein referred to and provisoes (*a*) (*b*) and (*c*) to that subsection; and

(2) the sections of this Act of which the respective marginal notes are "For protection of Rochdale Corporation" "For protection of Rawtenstall Corporation" and "For protection of Todmorden Corporation";

nothing in this Part of this Act shall be in derogation of the provisions of Part IV of the Road Traffic Act 1930.

## PART III.

## WATER.

Application of Waterworks Clauses Act 1847.

**19.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may erect or lay down for the purposes of the water undertaking:

Provided that any telephone or telegraph posts wires conductors or apparatus constructed laid down erected or maintained under the provisions of this section shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Discharge of water into streams.

**20.**—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir conduit line of pipes or other work of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream ditch or watercourse Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

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(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Act 1889.

(3) The powers of this section shall not be exercised so as to damage or injuriously to affect the railways or works of the London Midland and Scottish Railway Company.

**Meters in streets to measure water or detect waste.**

**21.** Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus:

Provided that—

(*a*) the Corporation shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878;

(*b*) nothing in this section shall extend to or authorise any interference with any works or apparatus of the Central Electricity Board except in accordance with the provisions of section 15 of the Electric Lighting Act 1882:

Provided also that the Corporation shall not without the previous consent of the London Midland and Scottish Railway Company exercise the powers of this section in or on any bridge carrying any road over a railway nor shall the Corporation obstruct or interfere with the

convenient access to or exit from any station or depot of such railway company but such consent shall not be unreasonably withheld and any question as to whether such consent is in any case unreasonably withheld shall be determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other.

Guarantees by local authorities.

**22.**—(1) A local authority any part of whose district is within the water limits may give and enter into any 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 such local authority 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 such district which is within the water limits.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such local authority they may incur expenditure and any such local authority may raise any money which may become payable to the Corporation under this section in like manner as money may be raised under the provisions of any such general Act.

Amendment of section 35 of Waterworks Clauses Act 1847.

**23.** The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one tenth part of the expense of providing and laying down pipes mentioned in that section were one eighth part of such expense.

Cisterns.

**24.** The Corporation may require that dwelling-houses erected after the passing of this Act at a higher level than fifty feet below the service reservoir or tank from which they are supplied with water shall be provided with cisterns holding forty-eight hours' supply and the Corporation shall not be bound to supply such houses with water until such cisterns are provided.

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Rates &c. for domestic purposes.

**25.**—(1) The Corporation shall at the request of the owner or occupier of any dwelling-house entitled under the provisions of the enactments relating to the water undertaking to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding twelve and a half per centum on the gross value of such dwelling-house :

Provided that the Corporation shall not be required to supply any such premises with water for a less sum than fourpence per week.

(2) The gross value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the period for which the rate accrues or by any alterations in or additions to such list made during such period :

Provided that where the water rate is chargeable on the gross value of a part only of any hereditament entered in the valuation list such gross value shall be a fairly apportioned part of the gross value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing rates the Corporation may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises supplied with water a sum not exceeding ten shillings per annum and in respect of every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and in respect of every bath capable of containing more than fifty gallons such sum as the Corporation may think fit Any additional sums which may be charged under this subsection may be recovered with and in the same manner as the water rate.

Limitation of section 30 of Act of 1898.

**26.** Nothing in section 30 (Rates payable by owners of small houses) of the Act of 1898 shall limit or affect the operation of section 72 (Owners of houses not exceeding ten pounds rent to be liable to water rates) of the Waterworks Clauses Act 1847.

Charges for stables &c. and refrigerating apparatus.

**27.**—(1) Where water supplied for domestic purposes is used for horses or cattle or for washing carriages or motor cars or for other purposes in stables garages

or premises where horses cattle carriages or motor cars are kept the Corporation may if a hosepipe or similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first Any sums chargeable under this subsection shall be in addition to the rates for the time being authorised by or under this Act for the supply of water for domestic purposes and shall be paid and recoverable in all respects with and in the same manner as the said rates.

(2) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or cattle or for washing carriages or motor cars or for other purposes in stables garages or premises where horses cattle carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of any such hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

(3) Where a person who takes a supply of water from the Corporation for any purpose desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall—

(i) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter; or

(ii) be paid for on such other terms as may be agreed between such person and the Corporation:

Provided that if the person is only taking a supply of water from the Corporation for domestic purposes the minimum sum per quarter which may be demanded by the Corporation for the water used for or in connection with the refrigerating apparatus if taken by meter shall not exceed ten shillings.

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Special terms for supplies to caravans &c.

**28.**—(1) Notwithstanding anything in any Act relating to the Corporation a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provisions of or incorporated with this Act the Corporation shall not (unless required so to do by the Minister) supply water to any caravan shack hut tent or other like structure if the local authority for the district in which the structure is situated objects to the supply being given.

Supply to houses partly used for trade &c.

**29.**—(1) The Corporation shall not be bound to supply with water otherwise than by measure—

(*a*) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or

(*b*) any workhouse hospital (whether public or private) asylum (whether public or private) sanatorium club hotel public-house restaurant inn or common lodging-house; or

(*c*) any boarding-house or public institution habitually occupied by at least twelve persons.

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(2) The amount to be paid under the provisions of this section exclusive of meter rent shall not in any one quarter of a year be less than the sum which would have been payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

As to supply to farm-houses.

**30.**—(1) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate.

(2) If the owner or occupier of any farm premises within the water limits desires a supply of water for farming purposes and lays the necessary communication pipe from such premises to a main of the Corporation the Corporation shall supply to such owner or occupier by meter such quantity of water as the owner or occupier may from time to time reasonably require for such farming purposes Provided that the Corporation shall not be required to supply water under this section at a pressure greater than that to be afforded by gravitation from the reservoir from which such water is supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits.

Price of water supplied by meter.

**31.** The price to be charged by the Corporation for a supply of water by meter shall not exceed three shillings per thousand gallons Provided that except as by this Act otherwise expressly provided the Corporation shall be entitled to charge a minimum sum of fifteen shillings in any quarter of the year for water supplied by meter.

Revision of rates.

**32.**—(1) At any time during the period of three months before and three months after the coming into force within the water limits of any and every new valuation list under the Rating and Valuation Act 1925 the Corporation or any local authority (other than the Corporation) having jurisdiction within the water limits may apply to the Minister for a revision of the rates and charges for the supply of water authorised by this

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Act or for the time being in force under any order of the Minister made in pursuance of this section and if and whenever any such application is so made and the Minister is satisfied that the cost of labour and materials or other circumstance affecting the undertaking has substantially altered he may by order vary either by way of increase or decrease such rates and charges or any of them.

(2) The making of any new valuation list under Part II of the said Act of 1925 shall be deemed to be a circumstance affecting the undertaking of the Corporation within the meaning and for the purposes of this section.

(3) Provided that no application under this section shall be made by a local authority (other than the Corporation) unless the separate heading or division of the accounts in relation to the water undertaking which are kept by the Corporation in pursuance of the section of this Act of which the marginal note is "Separate accounts to be kept" shall have shown in any of the last preceding five years that the revenue of the water undertaking has exceeded the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of that section together with the sum (if any) required to balance the amount by which the amount expended or set aside in connection with that undertaking in any previous year or years has exceeded the revenue of such year or years.

Power to assess water rates yearly in advance.

**33.**—(1) Subject to the provisions of this section and notwithstanding anything contained in sections 70 (as modified by section 7 of the Act of 1906) 71 and 74 of the Waterworks Clauses Act 1847 and section 21 of the Waterworks Clauses Act 1863 the Corporation may (if they think fit) assess their water rates and the charges payable to them for the supply of water for domestic purposes for an entire year in advance to commence on the first day of April in each year and if the amount or any part thereof shall not have been paid by the first day of December the whole amount of the rate or charge then outstanding shall thereupon be payable and may be recovered by the Corporation.

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(2) 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 year 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 a return thereof by the Corporation.

(3) 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 year for which the rate or charge is payable shall pay so much only of such rate or charge as is proportionate to the period for which he occupies the premises.

(4) Notice of the effect of this enactment shall be endorsed on every demand note for water rates and charges issued by the Corporation during any period in which they are exercising the powers of this section.

Discount on water rate.

**34.**—(1) The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding five per centum on the amount due in respect of any water rate or charge or any instalment thereof from every person who pays the same within such time after demand of the rate or any instalment thereof as the case may be as the Corporation may prescribe.

(2) Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rate or charge or any instalment thereof shall be demanded.

(3) If and so long as the Corporation allow such discount notice of the effect of this enactment shall be endorsed on every demand note for water rates and charges.

Extension of power to inspect premises.

**35.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer of the Corporation or any person duly authorised by him in writing may at all reasonable times between the hours of seven o'clock and nine

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o'clock in the morning and also between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such engineer or authorised person from entering either under the said section 57 or under this section or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Maintenance of common pipe.

**36.** When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Corporation.

Separate communication pipes may be required.

**37.**—(1) The Corporation shall not be bound to supply more than one house or part of a house occupied as a separate tenement by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement supplied by them with water:

Provided that this section shall not apply in the case of a communication pipe which at the passing of this Act is used for the supply of water to more than one house or part of a house unless and until such communication pipe becomes defective or requires renewal in which event the Corporation may require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement formerly supplied with water by means of that communication pipe.

(2) If the owner of any house or part of a house occupied as a separate tenement and supplied with water by the Corporation when so required in pursuance

of the preceding subsection fails within a period of three months after the receipt of such requirement to provide a separate pipe from the main into such house or part of a house the Corporation may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from the owner.

As to communication pipes.

**38.**—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made.

Power to Corporation to repair communication pipes.

**39.** If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Corporation for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation in like manner as the water rates in respect of the premises are recoverable Provided that (except in emergency) the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises (and if the

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water rates in respect of the house or premises are payable by the owner thereof to such owner) not less than twenty-four hours' previous notice of their intention so to enter.

Corporation to connect communication pipes with mains.

**40.** Notwithstanding anything in any Act 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 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 any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting.

Power to sell meters.

**41.** The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

As to register of meters.

**42.**—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation.

(2) Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(3) If any meter or other instrument for measuring water used by a consumer of water be proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon

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the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Corporation.

Fittings not to be subject to distress &c.

**43.**—(1) Any meters fittings apparatus or appliances let for hire under the provisions of section 40 (Power to supply water meters and fittings) of the Act of 1894 (all of which are in this section referred to as "fittings") shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

(2) Subject to the proviso to subsection (1) of this section all fittings let by the Corporation on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Corporation Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(3) Provided as follows:—

(*a*) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of the said section 40 of the Act of 1894 in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of money so borrowed);

(*b*) When a demand note delivered by the Corporation to a consumer includes a sum charged

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by the Corporation in respect of providing such fittings or the fixing repairing or removal thereof such sum shall be clearly stated in such demand note;

(*c*) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

Penalty for interfering with valves &c.

**44.** Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for closing valves and apparatus.

**45.** Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

Purchase of water in bulk.

**46.** The Corporation may enter into and carry into effect agreements with any local authority company body or person supplying water under parliamentary authority for the purchase of water in bulk by the

Corporation for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Corporation for the purposes of the water undertaking. A.D. 1931.

## PART IV.

## ELECTRICITY.

Incorporation of Electric Lighting (Clauses) Act 1899.

**47.** The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 (with the exception of sections 83 and 84 of that schedule) as amended by the Electricity (Supply) Acts 1882 to 1928 are incorporated with and form part of this Act and the electricity undertaking and the Corporation in respect thereto shall be subject to those provisions and so much of the Order of 1890 as is inconsistent with those provisions is hereby repealed without prejudice to anything done or suffered thereunder.

Power to construct electrical sub-stations under streets.

**48.** Subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and the Electric Lighting (Clauses) Act 1899 the Corporation may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient:

Provided that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

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Provided also that the Corporation shall not without the consent of the county council of the administrative county of the county palatine of Lancaster (in this section called "the county council") construct any such sub-station transforming station or work in any county bridge or bridge carrying a public highway or in the approaches to any such bridge or in any road in respect of which the county council are the highway authority or towards the maintenance and repair whereof the county council are liable to make a payment but such consent shall not (in the case of any such road) be unreasonably withheld and any question which may arise as to whether or not such consent has been unreasonably withheld shall be referred to and settled by an arbitrator to be agreed upon between the parties to the dispute or failing such agreement to be appointed on the application of either party after notice to the other by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory amendment thereof shall apply to the reference:

Provided also that the Corporation shall not construct any such sub-station transforming station or work—

(*a*) in or upon any bridge carrying a street over the railway of the London Midland and Scottish Railway Company or the approaches thereto or under any bridge carrying such railway over a street or within ten feet of any abutment of any such bridge; or

(*b*) in any street belonging to or repairable by the said railway company and forming the approach to any station or depot of the said railway company; or

(*c*) so as to interfere with or render less convenient the access to or exit from any station or depot of the said railway company constructed and maintained under statutory authority;

except with the consent in writing of the said railway company.

Power to lay electric mains in private streets.

**49.** The Corporation may upon the application of the owner or occupier of any premises within the electricity limits abutting on or being erected in any street laid out or made and whether dedicated to the public use or not lay down place take up alter relay

or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing a supply of electricity to such premises and the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof and to any works constructed or executed by the Corporation under the provisions of this section :

Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depot of a railway company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Further powers as to entry upon premises.

**50.**—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

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(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to or used by the London Midland and Scottish Railway Company for the purposes of their railway and forming part of any station or goods depot.

Supply to premises partly without electricity limits.

**51.** The Corporation may by agreement supply electricity to any house building or premises which or the curtilage of which is partly within and partly outside the electricity limits in the same manner as if such premises were wholly within such limits :

Provided that the Corporation shall not supply electrical energy under this section to any premises within the limits of any other authorised undertakers without the consent of such undertakers which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

Agreements for supply of electricity.

**52.** Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person to whom the Corporation are authorised to supply electricity (other than authorised distributors) on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

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As to maximum power which may be demanded.

**53.**—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Power to cut off supplies where charges &c. not wholly paid.

**54.** The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any apparatus or fitting let on hire by the Corporation or supplied by them on hire-purchase terms which the Corporation are under obligation to maintain remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine.

Use for lighting purposes of electricity supplied for power.

**55.**—(1) No consumer to whom electricity is supplied by the Corporation shall without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Corporation for any other purpose.

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(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may for the time being be charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

(4) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

As to use of transformers.

**56.** Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

Period of error in defective meters.

**57.**—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during

the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be paid to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Power to recover cost of cutting off supplies.

**58.** In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

Charges for special readings of electricity meters.

**59.** The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings Provided that such charges shall not exceed the sum of one shilling for each reading.

Provisions as to supply of electricity by agreement.

**60.**—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement—

(*a*) the Corporation may if they think fit discontinue to supply electricity to such consumer;

(*b*) the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply or not) be liable to pay to the Corporation at any higher rate which they may for the time being be charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and

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(*c*) the Corporation in any case in which they discontinue the supply as aforesaid shall not be required to resume the supply until—

(i) they are satisfied that any electricity supplied to such consumer will be consumed in accordance with the terms of such agreement; and

(ii) the consumer has paid to the Corporation the sum payable by him pursuant to the foregoing paragraph (*b*):

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 (Penalty for failure to supply) of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation:

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Byelaws as to wires apparatus and fittings.

**61.**—(1) The Corporation may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in

any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity to any building or premises in which such byelaws are not complied with. A.D. 1931.

(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings of any railway company.

Service of electricity demand notes.

**62.** The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the electricity undertaking.

Receipts and expenses.

**63.**—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

## PART V.

## FINANCE.

Power to borrow.

**64.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest the amount requisite for the payment of the costs charges and expenses of this Act and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the period of five years from the passing of this

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Act (which period for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall be "the prescribed period").

(2) (*a*) The Corporation may also with the consent of the Minister of Transport borrow such money as may be necessary for any of the purposes of Part II (Road transport) of this Act including expenses in connection with the removal of any tramway or light railway and the reinstatement and reconstruction of roads after such removal and may with the consent of the Electricity Commissioners borrow such money as may be necessary for any of the purposes of Part IV (Electricity) of this Act and may with the consent of the Minister borrow such money as may from time to time be necessary for any purposes of the water undertaking or any of the purposes of this Act other than the purposes of Part II or Part IV thereof.

(*b*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Commissioners or Minister with whose consent it is borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

(*c*) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

Sinking fund.

**65.**—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act or any other statutory borrowing power (except moneys raised by the issue of stock) such fund shall be formed and maintained either—

(*a*) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(*b*) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per

annum or such other rate as the Minister may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an " accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

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(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Minister that any such increase is necessary the Corporation shall increase the payments to such extent as the Minister may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

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(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister may determine.

(12) All moneys which at the commencement of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof may be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

All stock and loans to rank equally.

**66.** Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

As to mortgage of revenues of Corporation.

**67.** Any reference in any mortgage or charge granted by the Corporation to the revenue of any undertaking of the Corporation shall be deemed to be a reference to the revenues of the Corporation.

Power to re-borrow.

**68.**—(1) The Corporation shall have power—

(*a*) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be repaid forthwith; or

(*b*) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions

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(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) by instalments or annual payments; or

(*b*) by means of a sinking fund; or

(*c*) out of moneys derived from the sale of land; or

(*d*) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Use of moneys forming part of sinking and other funds.

**69.** Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall

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be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

(2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power:

(3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Application of section 79 of Public Health Act 1925.

**70.** The provisions of section 79 of the Public Health Act 1925 shall apply in relation to any sums set apart as a sinking fund a loans fund or a redemption fund for the purpose of paying off moneys borrowed by the Corporation in the exercise of any statutory borrowing power or for the redemption or purchase of stock issued for the purpose of raising such moneys as if all such moneys had been borrowed by the Corporation in exercise of their powers under the Public Health Act 1875.

Consolidated loans fund.

**71.**—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March nineteen hundred and thirty-two the Corporation may (if they think fit) establish a fund to be called "the consolidated loans fund" to which shall be paid as and when they are received—

(*a*) all moneys borrowed by the Corporation whether by issue of stock or other security together

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with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(*b*) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose;

(*c*) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt; and

(*d*) a sum or sums equal to the aggregate amount of all dividends and interest payable in each year on stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

(*a*) in the redemption of stock or any other securities issued by the Corporation the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation;

(*b*) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; and

(*c*) in the payment of dividends and interest on the stock mortgages or other securities issued in the exercise of any statutory borrowing power of the Corporation and remaining outstanding:

And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale

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of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

Evidence of transfer or transmission of securities.

**72.** It shall not be obligatory on the Corporation or on the registrar of water annuities appointed in pursuance of section 29 of the Act of 1894 to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 (Issue of stock) of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk or registrar of stock of the Corporation or the said registrar of water annuities (as the case may be) of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

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Interest on mortgages held jointly.

**73.** Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Receipt in case of persons not sui juris.

**74.** If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Application of revenue and payment of expenses of undertakings.

**75.**—(1) Subject to the provisions of subsection (2) of this section and notwithstanding anything contained in any previous enactment all money received by the Corporation on account of the revenue of any undertaking for the time being of the Corporation from which revenue is derived shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of any such undertaking shall be paid out of that fund.

(2) Nothing contained in this section shall be deemed to authorise the Corporation to apply or dispose of the surplus revenue of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

(3) All interest received in any year from the investment of the electricity reserve fund shall be carried to and form part of the revenue for that year of the general rate fund but the electricity reserve fund shall in that year be increased by a sum equal to the amount of such interest if and so far as the amount of the fund for the time being is less than the prescribed maximum.

(4) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings (other than the electricity undertaking) referred to in subsection (1) of this section in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings respectively.

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Separate accounts to be kept.

**76.**—(1) As from the first day of April nineteen hundred and thirty-two the Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation referred to in the section of this Act of which the marginal note is "Application of revenue and payment of expenses of undertakings" (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

(*a*) The working and establishment expenses and cost of maintenance of the undertaking;

(*b*) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

(*c*) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

(*d*) All other expenses (if any) of the undertaking properly chargeable to revenue;

(*e*) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain.

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

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Reserve funds.

**77.**—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the following undertakings (namely) :—

(*a*) the road transport undertaking;

(*b*) the water undertaking;

(*c*) the market undertaking of the Corporation;

by setting aside such an amount as they may from time to time think reasonable and investing the same subject to the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds" in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding in the case of the water undertaking a sum equal to one-tenth and in the case of the road transport undertaking and the said market undertaking respectively a sum equal to one-fifth of the aggregate capital expenditure for the time being upon those undertakings respectively.

(2) Any reserve fund which has been formed for the purposes of any of the said undertakings and which is in existence at the passing of this Act shall be deemed to have been formed under this section.

(3) All interest received in any year from the investment of any reserve fund or of any existing reserve renewal or other similar fund of the Corporation shall be carried to and form part of the revenue for that year of the general rate fund but the reserve fund shall in that year be increased by a sum equal to the amount of such interest if and so far as the amount of the fund for the time being is less than the prescribed maximum.

(4) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced

it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(5) Resort may be had to the said reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(6) The balance of the renewals fund of the light railway undertaking of the Corporation which is referred to in the agreement shall from and after the termination or sooner determination of the agreement be carried to and form part of the reserve fund of the road transport undertaking.

Return to Minister with respect to repayment of debt.

**78.**—(1) The town clerk shall if and when he is requested by the Minister so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order

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direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision of any enactment which was in force in the borough immediately before the passing of this Act and which requires an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

Insurance fund.

**79.**—(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

(*a*) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;

(*b*) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power;

(*c*) Risk of explosion in respect of boilers;

(*d*) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;

(*e*) Risks of injuries to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises of or leased to the Corporation;

(*f*) Risks of mechanical or electrical breakdown at or in connection with any of the electricity works of the Corporation;

(*g*) Risks of loss due to infidelity of officers or servants of the Corporation;

(*h*) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(*a*) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(*b*) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to fifty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below fifty thousand pounds the Corporation shall re-commence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of fifty thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under

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the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Act) be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of fifty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the general rate fund and apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister and on such security as the Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

Appointed auditors.

**80.**—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or of the London Association of Accountants Limited or of the Corporation of Accountants Limited to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors elected and appointed under the Municipal Corporations Acts Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as " the appointed auditor."

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditors and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

Subscriptions to local government associations and other expenses.

**81.** The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882—

(*a*) reasonable subscriptions whether annually or otherwise to the funds of any association of

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municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(*b*) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

## PART VI.

### MISCELLANEOUS.

Dwelling-houses for persons in Corporation's employment.

**82.**—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

Power to retain sell &c. lands.

**83.**—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of

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the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any other local Act for the time being in force in the borough and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

(2) The Corporation shall not (unless the Minister otherwise direct) sell lease exchange or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(3) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

(4) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Proceeds of sale of surplus lands.

**84.** The Corporation shall apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands under the authority of the last preceding section of this Act in or towards the

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extinguishment of any loan raised by them under the powers of this or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

Further powers for acquisition of lands.

**85.**—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any money so borrowed shall be repaid within such period as may be prescribed by the Minister.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(*a*) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or

(*b*) in such other manner as may be approved by the Minister.

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Recovery of rate from persons removing.

**86.** If a justice is satisfied on complaint by any rate collector that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate or water rate rent or charge which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Water rate &c. may be collected with general rate.

**87.**—(1) Any water rate or charge or any charge for electricity payable to the Corporation may be collected together with the general rate and the same books may be used for the said charges and rates.

(2) The general rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the general rate water rate or charges for electricity shall be in such form as the Minister may from time to time prescribe.

Service of summons on members of council.

**88.** Notwithstanding anything contained in the Second Schedule to the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage.

Application of financial provisions of Acts of 1898 and 1906.

**89.** The following provisions of the Act of 1898 and of the Act of 1906 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely):—

The Act of 1898—

Section 43 (Mode of raising money);
Section 45 (Provisions of Public Health Act as to mortgages to apply);
Section 47 (Mode of payment off of money borrowed);
Section 49 (Protection of lender from inquiry);
Section 50 (Corporation not to regard trusts);
Section 51 (Appointment of receiver);
Section 54 (Application of money borrowed).

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The Act of 1906—

Section 89 (Expenses of execution of Act);

Section 105 (Inquiries by Local Government Board);

Section 114 (Application of section 265 of Public Health Act 1875);

Section 117 (Powers of Act cumulative);

Section 118 (Crown rights):

Provided that in the application of the said section 105 of the Act of 1906 that section shall be read and have effect as if the words "five guineas" were substituted therein for the words "three guineas."

Evidence of appointments authority &c.

**90.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Several sums in one summons.

**91.** Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Judges not disqualified.

**92.** A judge of any court or a justice shall not be disqualified from acting in the execution of the Act of 1894 the Act of 1898 or this Act by reason of his being liable to any rate.

A.D. 1931.

Inquiries by Minister of Transport.

**93.** In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Repeal.

**94.** The following sections of the Act of 1853 the Act of 1894 the Act of 1898 and the Act of 1906 are hereby repealed :—

The Act of 1853—

Section XXXVI (Rates at which water is to be supplied for domestic purposes).

The Act of 1894—

Section 35 (Limitation of water rate);

Section 52 (Application of water revenues);

Section 53 (Provision in case of deficiency of water revenue);

Section 54 (Justices not disqualified).

The Act of 1898—

Section 11 (Power to sell lands).

The Act of 1906—

Section 6 (Power to increase water rates within borough);

Section 8 (Power to lay electric mains in streets not dedicated to public use);

Section 11 (Supply of energy in premises having a separate supply);

Section 83 (Power to re-borrow);

Section 86 (Power to invest all sinking funds in statutory securities);

Section 88 (Power to use sinking fund instead of borrowing);

Section 99 (Evidence of appointments authority &c.).

A.D. 1931.

Costs of Act.

**95.** The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose.

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