CHAPTER cxxx.

An Act to alter the North Shore Works authorised to be constructed by the Blackpool Improvement Act 1893 and for other purposes. [20th July 1896.]

A.D. 1896.

WHEREAS the borough of Blackpool in the county of Lancaster is a borough subject to the Acts relating to municipal corporations under the government of the mayor aldermen and burgesses of the said borough (herein-after called "the Corporation") acting by the council:

And whereas by the Blackpool Improvement Act 1893 (in this Act called "the Act of 1893") the Corporation were authorised to construct in accordance with the plans and sections deposited with the clerk of the peace for the county of Lancaster for the purpose of the application for the said Act and herein-after referred to as "the plans and sections of 1893" certain works in the Act of 1893 referred to as the North Shore Works and comprising a new road or carriage drive in continuation of the then existing carriage drive along the sea front of the borough called the North Shore and terminating at or near the Gynn Inn also an embankment sea wall hulking or other defence against the sea along the said North Shore parallel and co-extensive with the said road and various subsidiary works incidental thereto:

56 & 57 Vict. c. lxxxvi.

And whereas it is expedient that the Corporation should be authorised to alter the said works:

And whereas the Blackpool Land Building and Hotel Company Limited (in the Act of 1893 and in this Act called "the land company") were or claimed to be the owners of certain land along the said sea front which was required for the construction of the said works and certain provisions with respect to the said land and also with respect to certain land defined in that Act as "Claremont Park" and to the construction and user of the said works were by arrangement between the Corporation and the land company inserted in the Act of 1893 for the protection of the land company;

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And whereas by an indenture bearing date the thirtieth day of October one thousand eight hundred and ninety-five made between the land company and the Corporation the land company have conveyed to the Corporation the said lands and the said indenture contains a waiver by the land company of certain of the said provisions for their protection contained in the Act of 1893 and it is expedient that such provisions be repealed:

And whereas the Corporation under the powers of the Blackpool Corporation Tramways Order 1884 (in this Act called "the Order of 1884") constructed certain tramways in the borough which were afterwards worked by the Blackpool Electric Tramway Company Limited under a lease made by the Corporation with the sanction of the Board of Trade which lease provided that the Corporation might purchase the works carriages plant and property of that company upon terms therein set forth:

And whereas the Corporation purchased the said carriages works plant and property of the said Company and such purchase was confirmed by the Act of 1893 and it was by that Act provided that if the Corporation were unable to demise the said tramways upon such terms as would in the opinion of the Board of Trade yield an adequate rent therefor the Board of Trade might grant the Corporation licence to work the said tramways:

And whereas by the Blackpool Corporation Tramways Order 1893 (in this Act called "the Order of 1893") the Corporation were authorised to construct certain additional tramways in the borough and to work the same under a licence in that behalf to be granted by the Board of Trade on the happening of the like event as in the last recital mentioned:

And whereas the Corporation have constructed certain of the tramways authorised by the Order of 1893 and are working all their completed tramways under licences of the Board of Trade and such working enures to the advantage of the inhabitants of the borough:

And whereas it is expedient that the restrictions on the working of the tramways by the Corporation should be removed and that the provisions enabling the Corporation to work their tramways should be altered and enlarged:

And whereas it is expedient that the Corporation should be authorised to borrow additional moneys for and in connexion with the North Shore Works and the acquisition of Claremont Park and the laying out thereof:

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

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas estimates have been prepared by the Corporation for the purchase of land and for the execution of the works by this Act authorised and for the construction and completion of works by the former Acts of the Corporation authorised and such estimates are as follows:—

For the North Shore Works twenty-six thousand five hundred and thirty-five pounds;

For the acquisition of Claremont Park and the laying out thereof six thousand five hundred pounds:

And whereas the several works included in such estimates respectively are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council at a meeting held on the third day of December one thousand eight hundred and ninety-five after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Blackpool Times and Fylde Observer a newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate of the borough:

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the fourth day of February one thousand eight hundred and ninety-six being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines situation and levels of the works by this Act authorised and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the

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peace for the county of Lancaster and are in this Act referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Blackpool Improvement Act 1896.

Limits of Act.

2. This Act shall apply exclusively to the borough.

Incorporation of Acts.

3. The Lands Clauses Acts (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and the entry upon lands by the promoters of the undertaking) so far as the same are applicable for the purpose are incorporated with and form part of this Act.

Interpretation.

4. "The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Act amending the same.

"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same.

Act to be executed by the council.

5. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council.

North Shore Works to be made according to the deposited plans and sections.

6. Subject to the provisions of this Act the Corporation in lieu of constructing and maintaining the North Shore Works in accordance with the lines situations and levels in that behalf shown on the plans and sections of 1893 may make and shall thereafter maintain those works in the lines and situations and upon the lands in that behalf shown on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections.

Altered North Shore Works substituted for North Shore Works as authorised by the Act of 1893.

7. The North Shore Works as by this Act authorised to be constructed shall be substituted for all purposes for the North Shore Works as authorised by the Act of 1893 and the Corporation for the purpose of constructing maintaining and using the same and of defraying the expenditure of and incident to such construction and maintenance and otherwise for the purposes of and in relation thereto shall have and enjoy and may exercise all such powers authorities rights and privileges as they would have had or enjoyed or might have exercised in relation to those works had they been constructed and maintained in accordance with the plans and

sections of 1893 and in construing the Act of 1893 the expression "North Shore Works" shall mean the North Shore Works as authorised to be altered by this Act.

Repeal of certain provisions of the Act of 1893.

8. The following section and parts of sections of the Act of 1893 (that is to say):—

Subsections (1) and (3) of section 13 (Arrangements between the Corporation and the land company);

Section 15 (For the protection of the land company);

Section 23 (As to northerly approach to North Shore Works) from the words "and the Corporation shall forthwith" to the end of the section;

Subsection (5) of section 27 (Provisions consequent on conveyance by land company to Corporation) so far as it applies to the land company;

are hereby repealed and section 57 (Chairs and seats for public use) of the Act of 1893 shall be read and construed as if the parenthetical words ("except in Claremont Park as defined by this Act") were omitted therefrom.

Power to Corporation to work their tramways.

9.—(1) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may (subject as to the tramways belonging to them in Lytham Road south of Station Road in the borough to the provisions contained in the Blackpool St. Anne's and Lytham Tramways Act 1896 and in the agreement between the Corporation and the Blackpool St. Anne's and Lytham Tramways Company bearing date the fifteenth day of June one thousand eight hundred and ninety-six a copy of which is contained in the schedule to the last-mentioned Act) place or run carriages on and may work and may demand and take tolls and charges in respect of any tramways within the borough now belonging to the Corporation or authorised in or prior to the present session of Parliament to be constructed by them and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and may sell exchange or dispose of such of the before-mentioned articles and things as from time to time may no longer be required and the provisions of section 45 of the Act of 1893 and section 12 of the Order of 1893 are hereby repealed.

(2) The Corporation shall use such system only of mechanical power as shall for the time being be approved of in writing by the Board of Trade and if at any time the Board of Trade are

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satisfied that the use of such system cannot be continued without danger the Board of Trade may by order direct the Corporation to cease to use such system and the Corporation shall thereupon cease to use such system and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

(3) The byelaws and regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

(4) Subject as aforesaid the provisions for the time being in force with respect to the working of the said tramways and the taking of tolls rates and charges therefor shall extend and apply to the tramways for the time being so worked by the Corporation and to the Corporation in relation thereto.

(5) Nothing in this section shall empower the Corporation to construct any station for generating electric power nor to create or permit a nuisance.

Amending section 166 of the Act of 1893.

10. Section 166 of the Act of 1893 incorporating for the purposes of the Order of 1884 section 264 (Notice of action against local authority &c.) and section 265 (Protection of local authorities and their officers from personal liability) of the Public Health Act 1875 shall be read and have effect as if at the end thereof were added the following words :—

> And in construing those sections for the purposes of the Order of 1884 the expression "this Act" where used in those sections shall mean "the Order of 1884."

Defining "private improvement expenses" in Act of 1893.

11. The expression "private improvement expenses" where used in the Act of 1893 shall mean and include all private improvement expenses expressly so called and all other expenses at any time incurred by the Corporation for the repayment whereof the owner of the building or lands in respect whereof such expenses may have been or may be incurred is liable under any enactment or byelaw or under any agreement with or by reason of any application of such owner.

Power to borrow.

12. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under any other Act passed or Order granted and confirmed in this present session of Parliament) borrow at interest on the security of the borough fund and borough

rate and for the following purposes being purposes to which capital is properly applicable and not otherwise the following sums (that is to say):—

For paying the costs charges and expenses of this Act as herein-after defined the sum required for that purpose;

For the North Shore Works twenty-seven thousand pounds;

For other purposes connected with the North Shore Works such further sums as the Local Government Board may sanction;

For the purchase of Claremont Park and laying out the same on the security of the borough fund and borough rate any sum not exceeding six thousand five hundred pounds;

For tramway purposes such sum as the Board of Trade may sanction:

And in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing under the powers of this Act shall not be restricted by any of the provisions of the Municipal Corporations Acts or of the Public Health Acts.

Provision as to mortgages.

13. The following sections of the Public Health Act 1875 (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act.

Incorporating certain sections of the Act of 1893.

14. The following sections of the Act of 1893 (that is to say):—

Section 129 (As to repayment of borrowed moneys);

Section 130 (Power to reborrow);

Section 132 (Annual return to Local Government Board with respect to sinking fund);

Section 133 (Application of borrowed moneys);

Section 134 (Corporation not to regard trusts);

Section 135 (For protection of lenders);

Section 136 (Power to borrow under Local Loans Act 1875);

so far as they are applicable for the purposes of this Act shall extend and apply mutatis mutandis to and in relation to the moneys borrowed under the powers of this Act and for that purpose the expression "this Act" where used in those sections shall mean the Blackpool Improvement Act 1896 Provided that the period for the repaying of the moneys borrowed for the purchase and laying out of Claremont Park shall be any period not exceeding fifty years from the date of the borrowing of the same.

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Costs of Act.

15. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of 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 moneys to be borrowed for the purpose under the provisions of this Act.

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