CHAPTER xlviii.

An Act to empower the Corporation of Blackpool to purchase the sea-water baths known as the North Shore Baths in the borough to empower the Corporation to provide and maintain sea-water and fresh-water swimming and other baths and for other purposes. A.D. 1910.

[26th July 1910.]

WHEREAS the borough of Blackpool is a county borough under the local management and government of the mayor aldermen and burgesses of the borough of Blackpool:

And whereas the Corporation are empowered to supply and do supply sea water within the limits of the borough:

And whereas the Corporation have agreed to purchase the baths lands and property known as "the North Shore Baths" in the borough and it is expedient that such purchase should be confirmed and that the Corporation should be empowered to maintain the said baths lands and property and to provide and maintain sea-water and fresh-water swimming medicated Turkish and other baths in the borough and upon the seashore and foreshore of the borough:

And whereas it is expedient to make such other provision as this Act contains:

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

And whereas estimates have been prepared by the Corporation of the cost of and in connexion with acquiring and improving the North Shore Baths as by this Act authorised including the purchase of lands therefor and such estimates amount to ten thousand pounds:

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And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas an absolute majority of the whole number of the council at a meeting held on the first day of December one thousand nine hundred and nine after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Gazette News a local 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:

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 January one thousand nine hundred and ten being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 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 (that is to say):—

Short title.

1. This Act may be cited as the Blackpool Improvement Act 1910.

Incorporation of Acts.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act (namely):—

The Lands Clauses Acts (except the provisions with respect to the purchase and taking of lands otherwise than by agreement and section 127 of the Lands Clauses Consolidation Act 1845).

Interpretation.

3. 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 have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

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

"The borough" means the borough of Blackpool;

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

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rent-charges and securities transferable by delivery or any securities of the Corporation;

"The Act of 1899" means the Blackpool Improvement Act 1899 "the Act of 1901" means the Blackpool Improvement Act 1901 and "the Act of 1905" means the Blackpool Improvement Act 1905.

Purchase of North Shore Baths.

4.—(1) The Corporation may by agreement purchase take and hold the baths lands and property following (that is to say):—

All that block of buildings known as the North Shore Baths dwelling-house and premises situate in Cocker Street North Shore Blackpool in the county of Lancaster now in the occupation of Edward James Reed together with the land forming the site thereof and appurtenant thereto together also with the engine boilers pumps piping machinery and other effects in or about the said premises and the rights easements privileges and appurtenances as now enjoyed by the said Edward James Reed.

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(2) From and after the purchase by the Corporation of the said baths and premises the said Edward James Reed shall cease to have any right to take sea water from the foreshore within the borough.

Corporation may provide baths &c.

5.—(1) The Corporation may maintain alter extend enlarge improve repair furnish and equip or discontinue sell and dispose of the said North Shore Baths and the buildings mains pipes machinery apparatus and effects connected therewith and may also upon in or under any part of the seashore or foreshore or any promenade belonging to the Corporation or upon land acquired or appropriated by them for the purpose erect construct provide maintain furnish and equip sea-water or fresh-water swimming medicated Turkish and other baths either covered uncovered or floating and may lay down and provide such sea water intake-pipes tanks culverts mains pipes engines boilers pumps machinery apparatus fittings and effects as may be incidental to or necessary for the purpose of carrying on any such undertaking or undertakings and may charge for admission to such baths and for the use thereof for swimming bathing or other healthful or recreative purpose.

(2) The Corporation may with the consent of the Local Government Board and subject to such conditions as they may prescribe for the purpose of providing any such baths as aforesaid purchase or take upon lease or otherwise acquire land by agreement or appropriate land for the time being belonging to them and not required for the purpose for which such land was acquired but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

(3) For the purpose of laying and repairing mains culverts and pipes for supplying sea water to any baths belonging to them the Corporation may break up streets and alter the position of any culverts pipes and wires under any street:

Provided that the Corporation shall not alter the position of or otherwise interfere with any pipe or wire belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Works below high-water mark not to be com-

6. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and

so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

menced without consent of Board of Trade.

7. For the protection of the Fylde Water Board (in this section referred to as "the board") the following provisions shall have effect:—

For protection of Fylde Water Board.

If for the purpose of executing any of their powers under this Act it shall be necessary for the Corporation to raise sink or otherwise alter any mains pipes or apparatus belonging to the board the Corporation shall serve notice upon the board with a plan and section showing the required alteration (which alteration shall be to the satisfaction of the board) and the board shall within fourteen days after the receipt of such notice plan and section commence to execute such alteration and shall complete the same with all reasonable despatch at the cost of the Corporation and under the superintendence of the borough surveyor if such superintendence shall be given and the Corporation shall pay to the board the cost of providing and laying any requisite substituted water mains or pipes and a sum in respect of any water mains or pipes rendered unnecessary in consequence of such alteration and the water mains and pipes so rendered unnecessary shall be the property of the Corporation.

8. For the protection of the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company (each or both of whom as the circumstances may

For protection of Lancashire and York-

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shire and London and North Western Railway Companies.

require are in this section called "the company") the following provisions shall unless otherwise agreed between the Corporation and the company be observed and have effect (that is to say):—

(1) Whenever under the powers of this Act the Corporation shall require to lay down take up alter relay repair or renew any mains pipes or apparatus in connexion with their undertaking across or under any railway for the time being belonging to or worked by the company or the stations bridges approaches or other works thereof or to construct any works immediately adjoining or in close proximity thereto they shall give to the engineer of the company fourteen days' notice in writing of their intention to carry out any such works accompanied by sufficient plans:

(2) Such works including the making good and repairing of any roads over any such railway and over any bridges and approaches which the company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation shall be laid constructed and executed at the expense of the Corporation under the superintendence (if the same be given) and to the reasonable satisfaction of the said engineer and according to plans to be previously reasonably approved by him and so as to avoid as far as possible injury to any such railway or any of the works thereof and so as not to cause any interruption to the passage or conduct of the traffic over or at any such railway or station:

(3) When the Corporation open or break up any road or pavement of any street or other works belonging to or repairable by the company they shall with all convenient speed complete the work for which the same shall have been broken up and reinstate and make good the road or works so opened or broken up and shall keep any road or pavement so broken up in good repair for three months after reinstatement and making good and for such further time if any not exceeding twelve months as the soil so broken up shall continue to subside:

(4) If the Corporation make unnecessary delay in completing such work or reinstating and making good such road or works so opened or broken up or neglect to keep the road or pavement in repair as aforesaid the company may after three days' notice to the Corporation cause such work to be executed or effect such repair and the expense of executing the same shall be repaid to them by the Corporation:

(5) The Corporation shall repay to the company the expense of any temporary works or watching which the company may reasonably consider necessary to provide for the protection of any such railway or the traffic thereon during the carrying out of the works aforesaid:

(6) If in the execution of the works any injury to any such railway or works or interruption to such traffic shall arise the Corporation shall make full satisfaction in respect thereof to the company and in the event of any dispute as to the amount of such satisfaction the same shall be determined by arbitration in manner herein-after provided:

(7) Any difference which may arise between the Corporation and the company under the provisions of this section shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

Byelaws and regulations as to use of baths.

9. The Corporation from time to time may make alter repeal and enforce byelaws and regulations for the management use and regulation of any baths acquired or provided by them under the powers of this Act and of the persons resorting thereto and for determining from time to time the charges for the use of such baths as the Corporation shall think fit and such byelaws and regulations shall make sufficient provision for the several purposes following:—

(A) For securing that the baths shall be under the due management and control of the officers servants or others appointed or employed in that behalf by the Corporation;

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(B) For securing adequate privacy to persons using the baths and securing against accidents to persons using open or floating baths;

(C) For securing that men and boys above eight years old shall bathe separately from women and girls and children under eight years old;

(D) For preventing damage disturbance interruption indecent and offensive language and behaviour and nuisances;

(E) For regulating the use and management of such baths when used for other purposes than swimming and bathing;

(F) For determining the duties of the officers servants and others appointed or employed by the Corporation in connexion with such baths.

Application of revenue of baths undertaking and as to deficiency.

10.—(1) The Corporation shall keep the accounts in respect of their baths undertaking separate from their other accounts distinguishing therein capital from revenue and shall apply all money received by them on account of revenue in respect of their baths undertaking in the manner and in the order following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking;

Secondly In payment of the interest on moneys borrowed and to be borrowed by the Corporation for the purposes of the undertaking;

Thirdly In providing the requisite instalments or sinking fund payments in respect of moneys borrowed and to be borrowed for the purposes of the undertaking;

Fourthly In extending and improving (if the Corporation think fit) any works for the purposes of the undertaking;

Fifthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by

the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the 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 Provided that resort may be had to the 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:

And the Corporation shall carry to the district fund so much of any balance remaining in any year of the income of the undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the undertaking shall be made good and shall be defrayed out of the district fund and general district rate.

Power to borrow.

11.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes herein-after mentioned any sum or sums of money not exceeding the respective amounts following:—

(A) For and in connexion with the purchase of the North Shore Baths and the enlargement and improvement thereof including the purchase of land the sum of ten thousand pounds;

(B) For paying the costs of this Act as herein-after provided the sum requisite for that purpose.

(2) In addition to the moneys which the Corporation are by this section authorised to borrow they may borrow such further sums of money for or in connexion with their baths undertaking as the Local Government Board may sanction.

(3) The revenue of the baths undertaking and the general district rate are hereby made liable for the repayment of moneys borrowed under this section and the payment of interest thereon.

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Period for repayment.

12. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):—

As to moneys borrowed for the purposes (A) in the last preceding section of this Act mentioned within forty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (B) in the last preceding section of this Act mentioned within five years from the passing of this Act;

As to moneys borrowed with the sanction of the Local Government Board within the periods sanctioned by that Board.

Certain regulations of Public Health Act 1875 not to apply.

13. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Incorporation of section of Act of 1899.

14. Section 60 (Audit of accounts) of the Act of 1899 shall with the necessary modifications extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Expenses of execution of Act.

15. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the district fund and general district rate.

Inquiries by Local Government Board.

16.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Confirmation of byelaws.

17. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act.

Recovery of penalties &c.

18. All offences against and all penalties forfeitures costs charges and expenses imposed or recoverable under this Act or any byelaw made in pursuance of this Act may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid over to treasurer.

19. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under any byelaw made in pursuance of this Act shall be paid to the treasurer of the borough and be by him carried to the credit of the district fund or to such other fund as the Corporation shall direct.

Application of section 265 of Public Health Act 1875.

20. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Costs of Act.

21. 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 may be paid by the Corporation out of the borough fund or borough rate or out of money borrowed under the authority of this Act for that purpose.

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