CHAPTER lxxvii.

An Act to empower the mayor aldermen and burgesses of the county borough of Bolton to acquire lands for various purposes to confer upon them further powers of running omnibuses to make further provision with reference to the improvement health and good government of the borough and for other purposes. A.D. 1926.

[4th August 1926.]

WHEREAS the borough of Bolton (hereinafter referred to as "the borough") is a county borough subject to the Acts relating to municipal corporations and is under the government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") acting by the council:

And whereas under powers conferred by the Bolton Improvement Act 1847 (hereinafter referred to as "the Act of 1847") the Corporation purchased the water undertaking formerly carried on by the Bolton Waterworks Company (hereinafter referred to as "the company") which undertaking was regulated by various Acts of Parliament including (inter alia) the Act 9 Vict. cap. xlix. (hereinafter referred to as "the Act of 1846"):

And whereas by the Act of 1846 the company were empowered to take water from certain lands in the township of Heaton described in that Act on payment of

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compensation to the owners of such lands and subject to certain obligations as to providing and keeping supplied with water cisterns on such lands for the use of cattle and for domestic purposes and to acquire compulsorily lands in the said township and elsewhere And it was also provided that the person who was then or claimed to be tenant for life of certain lands to be acquired under the said Act by the company should be empowered to sell and convey such lands to the company in consideration of an annual rentcharge payable by the company to the said tenant for life or other the owners for the time being of the said lands for ever and that such rentcharge should be charged on and be payable from and out of the rates and rents to be levied by virtue of the Act of 1846 and should be paid by the company when and as such rentcharge should become payable :

And whereas by a deed of conveyance dated the fifth day of March one thousand eight hundred and fifty the said tenant for life in consideration of a perpetual annual rent or rentcharge of five hundred and forty-one pounds payable by the Corporation (who were then the owners of the said water undertaking) conveyed to the Corporation certain lands (excepting and reserving mines and minerals) and it was declared that the said rent or rentcharge should be in full satisfaction not only for the purchase of the said lands but also for all damage or injury whatsoever caused by the execution of the powers contained in the Act of 1846 of searching for collecting impounding obtaining diverting and altering the course of and taking water arising being or flowing in through into or upon all and singular other the lands and premises of the said tenant for life :

And whereas by the Bolton Improvement Act 1854 various Acts (including the Act of 1846 and the Act of 1847) were repealed but certain provisions of the Act of 1846 were thereby re-enacted and the rights and obligations of the Corporation and other parties under or by virtue of the Act of 1846 and the Act of 1847 were continued :

And whereas the Corporation have constructed upon the lands so conveyed to them as aforesaid certain reservoirs known respectively as the Heaton reservoir and the Rumworth reservoir :

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And whereas the Corporation have agreed with the present tenant for life of the lands in respect of which the Corporation are by virtue of the Act of 1846 and subsequent Acts entitled to exercise powers of taking water for the purchase of certain of those lands and of the mines and minerals under the said Heaton and Rumworth reservoirs which were excepted from the conveyance to the Corporation hereinbefore recited or referred to in consideration of the payment of a sum in gross and for the cesser of the said rent or rentcharge and of certain rights and obligations of the Corporation in respect of the lands so agreed to be purchased and other lands :

And whereas it is expedient that the provisions contained in this Act for giving effect to the said agreement should be enacted and that the Corporation should be empowered to acquire the lands and interests in lands to which that agreement relates :

And whereas it is expedient that the Corporation should be empowered to acquire lands for the other purposes specified in this Act :

And whereas by virtue of the Bolton Corporation Act 1901 and the Bolton Corporation Act 1922 the Corporation have certain powers of running omnibuses and it is expedient that such further powers with reference thereto as are contained in this Act should be conferred upon the Corporation :

And whereas it is expedient that further powers should be granted to the Corporation for the improvement and better government and for the protection of the health of the borough as in this Act provided :

And whereas it is expedient that borrowing powers for the purposes of this Act and for the other purposes hereinafter referred to should be conferred upon the Corporation :

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

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

And whereas estimates have been prepared by the Corporation for the purchase of land and easements and

A.D. 1926. for the other purposes referred to in this Act and such estimates are as follows :—

	£
For the acquisition of lands for the general purposes of the water undertaking -	20,600
For the acquisition of lands for the purposes of parks recreation grounds or open spaces and for the laying out and development of such lands -	65,000
For the acquisition of lands for the general purposes of the tramway undertaking (including the omnibus undertaking) and the erection of buildings for those purposes - -	59,000
For the provision of omnibuses - -	80,000

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 :

And whereas plans showing the lands which the Corporation may acquire compulsorily under the powers of this Act 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 peace for the county of Lancaster and are in this Act respectively referred to as the deposited plans and book of reference :

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) :—

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Bolton Corporation Act 1926.

Act divided into Parts.

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

Part I.—Preliminary.
Part II.—Lands &c.
Part III.—Omnibuses and trolley vehicles.

Part IV.—Sanitary.
Part V.—Finance.
Part VI.—Miscellaneous.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses 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 with the following exception and modification—

(*a*) Section 127 (relating to the sale of superfluous lands) of the Lands Clauses Consolidation Act 1845 is not incorporated with this Act;

(*b*) The bond required by section 85 of the said Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section.

Interpretation.

4. 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 Act 1875 have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

"The borough" means the county borough of Bolton;

"The Corporation" means the mayor aldermen and burgesses of the borough acting by the council of the borough;

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

"The district funds" and "the district rates" mean respectively the district funds and the district rates of the borough;

"The Act of 1846" means the Act 9 Vict. cap. XLIX;

"The Act of 1854" means the Bolton Improvement Act 1854;

"The Act of 1922" means the Bolton Corporation Act 1922;

"The former Acts" means the Act of 1922 and the Acts and Orders mentioned in the First Schedule to that Act and the Bolton Corporation Act 1925;

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"The town clerk" "the surveyor" and "the treasurer" respectively mean the town clerk the surveyor and the treasurer of the borough and include any person duly appointed by the Corporation to discharge temporarily the duties of any of those officers;

"The water undertaking" means the water undertaking of the Corporation as authorised by the former Acts and by this Act;

"Water revenue" means all moneys received by the Corporation in respect of the water undertaking (other than borrowed moneys and other moneys which ought to be carried to the account of capital);

"The Corporation tramways" means all tramways for the time being belonging to or leased to or worked by the Corporation;

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

"Tramway revenue" means all moneys received for or in relation to the tramway undertaking (other than borrowed moneys and other moneys which ought to be carried to the account of capital);

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

"Road authority" means the authority body or person by or at the expense of whom any road or part of a road in relation to which the expression is used is maintained and repaired;

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

"The arbitrator" means the arbitrator to whom any question of disputed purchase-money or compensation under this Act is referred;

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

"Sanitary purposes" means and includes the making and maintaining of streets and highways and

scavenging (except the repairing maintaining improving (other than widening) and scavenging of such roads as are referred to in section 19 (Expenses of main roads in borough added area) and in subsection (3) of section 55 (As to Astley Bridge cemetery tramways and sewage works &c.) of the Bolton Turton and Westhoughton Extension Act 1898) and private improvements lighting sewerage prevention of nuisances the preservation of the health and the improvement of the borough and the powers of the Corporation in relation to the River Croal and other streams and includes also the manufacture and supply of gas and the production and supply of electricity;

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

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

PART II.

LANDS &C.

Power to take lands for various purposes

5. Subject to the provisions of this Act the Corporation may enter upon and take and may hold and use for the purposes hereinafter respectively specified the lands in the borough hereinafter referred to or any part or parts thereof so far as those lands are delineated on

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the deposited plans and described in the deposited book of reference (that is to say) :—

(1) For the purposes of the water undertaking the lands described in the First Schedule to this Act;

(2) For the purposes of parks recreation grounds or open spaces the lands described in Part I. of the Second Schedule to this Act; and

(3) For the purposes of the tramway undertaking the lands described in Part II. of the said Second Schedule.

Persons under disability may grant easements &c.

6. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Compensation in case of recently created interest.

7. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the following provisions shall apply and have effect (that is to say) :—

(1) The arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the first day of November one thousand nine hundred and twenty-five and before the date of the passing of this Act if in the opinion of the arbitrator the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act :

(2) Subject as is hereinafter in this section provided the arbitrator shall not take into account—

(*a*) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any improvement or alteration reasonably necessary for properly maintaining such premises) made after that date which in the opinion of the arbitrator materially enhances the value of such premises; or

(*b*) any interest in land greater than that of a quarterly tenant created after the date of the passing of this Act:

(3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the Corporation of his intention to erect any building upon or to make any improvement or alteration (other than any such improvement or alteration as is excepted from paragraph (*a*) of subsection (2) of this section) of or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically described in the notice) and the Corporation do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

(*a*) subsection (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

(*b*) subsection (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said first day of November and before the date of the passing of this Act:

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(4) The Corporation shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Act.

Power to Corporation to enter upon property for survey and valuation.

8. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Extinction of private rights of way.

9.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Limit of time for compulsory purchase of lands.

10. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease on the thirty-first day of October one thousand nine hundred and twenty-nine.

Proceeds of sale of surplus lands.

11. The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this 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 of Health. A.D. 1926.

Correction of errors in deposited plans and book of reference.

12. Section 41 (Correction of errors &c. in deposited plans and book of reference) of the Bolton Tramways and Improvement Act 1897 shall extend and apply to and in relation to the deposited plans and the deposited book of reference and to lands required for the purposes of this Act as if that section was in this Act re-enacted with special reference thereto.

For protection of Sir William Rothwell Hulton Baronet.

13. For the protection of Sir William Rothwell Hulton Baronet or other the owner or owners for the time being of the premises in the borough known as "Nixon's Farm" (all of whom in this section are included in the expression "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Corporation apply and have effect (that is to say) :—

(1) The powers of the Corporation under this Act for the compulsory purchase of the lands of the owner described in paragraph (B) of Part I. of the Second Schedule to this Act (in this section called "the said lands") shall cease on the thirty-first day of December one thousand nine hundred and twenty-seven :

(2) If the Corporation exercise their powers of compulsory purchase of the said lands under this Act the Corporation shall not acquire any part less than the whole thereof but shall serve upon the owner a notice to treat for the acquisition of all the rights and interests of the owner in the whole of the said lands and in the mines and minerals under the same and shall acquire the same upon the basis of indemnifying the owner against all liabilities of the owner in respect of the said lands mines and minerals.

For protection of Richard Henry Ainsworth.

14. Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not except by agreement with Richard Henry Ainsworth or other the owner or owners for the time being of the land coloured green on the plan signed on behalf of the Corporation by Samuel Parker and on behalf of the said Richard Henry Ainsworth by

A.D. 1926. Charles Russell Hall (such land being part of the lands described in paragraph (A) of Part I. of the Second Schedule to this Act) purchase or acquire the lands so coloured.

For protection of Edmund Arthur Le Gendre Starkie.

15. For the protection of Edmund Arthur Le Gendre Starkie or other the owner or owners for the time being of the premises in the borough known as "Hall i' th' Wood Farm" (all of whom in this section are included in the expression "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Corporation apply and have effect (that is to say) :—

(1) The powers of the Corporation under this Act for the compulsory purchase of the lands of the owner described in paragraph (C) of Part I. of the Second Schedule to this Act (in this section called "the said lands") shall cease on the thirty-first day of December one thousand nine hundred and twenty-seven :

(2) If the Corporation exercise their powers of compulsory purchase of the said lands under this Act the Corporation shall not acquire any part less than the whole thereof but shall serve upon the owner a notice to treat for the acquisition of all the rights and interests of the owner in the whole of the said lands.

For protection of Bleachers' Association Limited.

16. For the protection of Bleachers' Association Limited their successors and assigns (in this section referred to as "the owners") the following provisions shall notwithstanding anything contained in this Act or shown upon the deposited plans apply and have effect unless otherwise agreed in writing between the Corporation and the owners (that is to say) :—

(1) In this section—

The expression "the owners" means with reference to the exercise of the powers of this Act in relation to the lands described under the letter (A) in Part I. of the Second Schedule to this Act Bleachers' Association Limited or other the owner or owners for the time being of the Halliwell Bleach Works and with reference to the exercise of the powers of this Act in relation to the lands described under the letter (C) in

Part I. of the said Schedule Bleachers' Association Limited or other the owner or owners for the time being of the Hall i' th' Wood Engineering Works and the expression "the said lands" means the lands so described under the letters (A) and (C) as aforesaid:

(2) The Corporation shall not under the powers of this Act purchase or acquire any portion of so much of the said lands as is coloured red on the plan marked "A" signed in duplicate by Samuel Parker on behalf of the Corporation and Herbert Johnson on behalf of the owners:

(3) The Corporation shall not under the powers of this Act purchase or acquire any rights of the owners in or over any part of the said lands under—

(*a*) an indenture of conveyance made the twenty-sixth day of February one thousand nine hundred and one between Richard Henry Ainsworth Isabella Margaret Ainsworth Edward Maximilian Bethune and Arbuthnot Butler Stoney and Bleachers' Association Limited; or

(*b*) an agreement made the thirtieth day of December one thousand nine hundred and eleven between Richard Henry Ainsworth and Bleachers' Association Limited;

or any rights of the owners as successors in title of Slater and Company Limited under an indenture of conveyance made the twenty-fourth day of November one thousand nine hundred and sixteen between Edmund Arthur le Gendre Starkie and other parties and Slater and Company Limited but nothing in this section shall prevent or interfere with the right of the Corporation to acquire the estate and interest of any party other than the owners in the said lands and to exercise in relation to the owners or otherwise any rights vested in the Corporation by virtue of such acquisition:

(4) Before any portion of the said lands is used for any purpose by the Corporation they shall to the satisfaction of the owners erect and for

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ever thereafter maintain a suitable and unclimbable fence along the boundary of the said lands between the points marked X and X as shown by a red line on the plan marked "B" signed in duplicate by Samuel Parker on behalf of the Corporation and Herbert Johnson on behalf of the owners.

Certain rights and obligations to cease on purchase of certain lands.

17.—(1) On and as from the date of the completion of the purchase by the Corporation of the lands described in the First Schedule to this Act—

(*a*) The annual rent or rentcharge of five hundred and forty-one pounds payable by the Corporation to the tenant for life or other the owner for the time being of the said lands pursuant to the deed of conveyance dated the fifth day of March one thousand eight hundred and fifty referred to in the preamble to this Act shall cease to be payable and the rates and rents leviable by the Corporation as owners of the water undertaking and all lands property assets and rights of the Corporation shall be released from the said rent or rentcharge and from all or any charge or incumbrance in connection therewith;

(*b*) The Corporation shall be by virtue of this Act released from all covenants on their part and obligations (whether statutory or otherwise) of every description whatsoever in favour of or enforceable by such tenant for life or other owner as aforesaid in respect of the lands described in paragraphs (A) and (B) of the said First Schedule and of the lands described in the next following paragraph (*c*) of this section;

(*c*) The rights exerciseable by the Corporation under or by virtue of section 6 (Company empowered to search for and take springs &c. within certain boundaries) of the Act of 1846 and section 54 (Power for Corporation to take water in Heaton) of the Act of 1854 or one of those sections shall cease to be exerciseable in relation to the lands shown and coloured blue on the plan marked "A" signed by Sir Thomas Robinson the Chairman of the Com-

mittee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Private Bill Office of the House of Commons another copy has been deposited in the Parliament Office at the House of Lords and another copy with the town clerk at his office) the lands so shown and coloured being part of the lands described in the said sections and being lands belonging to the present tenant for life of the said lands described in the said First Schedule and either in her occupation or let for terms of which not exceeding seven years are unexpired at the date of the passing of this Act; and

(*d*) The obligations of the Corporation under or by virtue of section 14 (Company to provide open cisterns for the use of cattle) of the Act of 1846 and sections 68 (Other open cisterns for the use of cattle &c.) of the Act of 1854 or one of those sections shall cease to be binding upon them in respect of the lands shown and coloured green on the said plan marked "A" which last-mentioned lands (together with the lands referred to in the foregoing paragraphs (*b*) and (*c*)) comprise the whole of the lands described in the said sections 6 of the Act of 1846 and 54 of the Act of 1854.

(2) Within three months after the payment by the Corporation of any sum or sums of money as consideration for the cesser or release of the rent or rentcharge and other rights and obligations referred to in this section or the giving of any other consideration (constituting a sale) for the cesser or release thereof the Corporation shall produce to the Commissioners of Inland Revenue either a deed of release of the said rent or rentcharge and other rights and obligations duly stamped or a King's Printers' copy of this Act stamped with the same ad valorem duty as would be payable upon a release or renunciation of a right or interest in property upon a sale made in consideration of such sum or sums of money or giving of consideration as aforesaid and in default of such production the amount of the said duty with interest thereon at the rate of

A.D. 1926. five per centum per annum from the date of such payment or giving of consideration shall be a debt due to His Majesty from the Corporation.

As to rights of fishing &c. on Rumworth reservoir.

18. For the removal of doubts it is hereby declared that notwithstanding anything contained in section 26 (Rights of fishing &c. on the Rumworth reservoir reserved) of the Act of 1846 or in section 82 (Rights of fishing &c on the Rumworth reservoir) of the Act of 1854 the rights of fishing fowling sporting and using boats on the Rumworth reservoir of the Corporation are vested in the Corporation exclusively.

PART III.

OMNIBUSES AND TROLLEY VEHICLES.

Power to run omnibuses outside the borough.

19.—(1) Subject to the provisions of this Act the Corporation may provide or maintain (but shall not manufacture) and may run omnibuses without the borough along any route forming or comprised in the route of any of the Corporation tramways and with the consent of the Minister of Transport and the local authority of the district along any other route Provided that the consent of a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

(2) In the case of any application under the provisions of this section for the consent of the Minister of Transport the Corporation shall give notice in writing of their proposals to the road authority (where it is not also the local authority) and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister of Transport shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto and if any objection shall be made by any such person or the consent of the local authority is withheld the Minister of Transport may direct an inquiry to be held.

Adaptation of roads.

20.—(1) (*a*) Before the Corporation commence to run omnibuses over any road or part of a road (not being a road maintainable by a railway or canal company) it shall be determined by agreement between the Corporation and the road authority or failing agreement

by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

(*b*) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (*a*) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether they intend to run omnibuses over the road or part of a road or bridge in question.

(*c*) If the Corporation give notice in writing to the road authority that they intend to run omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (*a*) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(*d*) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not executed within three years from

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the date on which the Corporation shall commence to run omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

(*e*) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (*c*) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed or of any such bridge so strengthened.

(*f*) For the purposes of this subsection the expression "county bridge" shall include every bridge maintainable by a county council and in respect of such bridge the county council shall be deemed to be the road authority and the expression "district bridge" shall include every bridge maintainable by a district council and in respect of such bridge the district council shall be deemed to be the road authority.

(2) Any payment made to a road authority under this section in respect of any main road retained by them under subsection (2) of section 11 of the Local Government Act 1888 or maintained by them under subsection (4) of that section shall be credited to the county council in ascertaining the amount payable by them under either of the said subsections.

(3) If any such adaptation alteration reconstruction or strengthening as aforesaid shall involve an alteration of any telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any highway by the omnibuses of the Corporation.

(5) An agreement under this section with respect to any main road maintained by a local authority at the expense of any county council shall not be made except with the concurrence of that county council.

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As to cesser of powers.

21.—(1) The powers of running omnibuses under the provisions of this Part of this Act on any road or part of a road outside the borough may at the expiration of ten years from the date on which such running commences and at the expiration of any subsequent period of ten years be determined by the Minister of Transport on the application of the local authority of the district in which such road or part of a road is situate upon such terms as the said Minister may determine.

(2) Before issuing an order to determine the said powers the Minister of Transport shall hold a local inquiry at which opportunity shall be afforded to any person interested to object to the continuance or cesser of such powers.

Provision in event of certain powers not being exercised within prescribed time.

22. If the Corporation do not within three years from the giving of the consent of the Minister of Transport to the running by the Corporation of omnibuses on any route without the borough provide a service of omnibuses on such route or having provided shall discontinue any such service the Minister of Transport may on the application of any local authority within whose district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the Minister of Transport may by such order prescribe the powers of the Corporation under this Part of this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Corporation under this Part of this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease :

Provided that this section shall not apply or have effect in the event of the failure of the Corporation to provide a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Corporation.

Working and other agreements.

23.—(1) The Corporation and any local authority empowered to run omnibuses in any borough or urban

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or rural district adjacent to the borough or adjacent to any borough or urban or rural district in which any route over which the Corporation are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts under which such omnibus services are authorised.

(2) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Part of this Act of any omnibus services within the borough or on any route over which the Corporation are for the time being empowered to run omnibuses.

(3) The Corporation and any such local authority company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say) :—

(*a*) The working user management and maintenance of any omnibuses lands depots buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;

(*b*) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

(*c*) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;

(*d*) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service lands depots buildings sheds or property beyond the borough otherwise than with the consent of the local authority of the district within which such omnibus service lands depots buildings sheds or property are situate Provided that on complaint being made to the Minister of Transport that such consent is unreasonably withheld the Minister may if he thinks fit by order dispense with such consent.

(5) Section 61 (Working and other agreements) of the Act of 1922 is hereby repealed.

Fares and charges on omnibuses.

24.—(1) The provisions of section 22 (Tolls and charges) of the Bolton and Suburban Tramways Order 1878 as amended by section 53 (Increase of tolls and charges) of the Act of 1922 and by section 40 (Tramway tolls and charges and application to trolley vehicles of powers of charging on tramways) of the Bolton Corporation Act 1925 shall extend and apply to the omnibuses of the Corporation run by them under the powers of the Bolton Corporation Act 1901 and the Act of 1922 and this Act or any of them and section 54 (Periodical revision of tramway fares and charges) of the Act of 1922 shall also extend and apply to such omnibuses.

(2) Subsection (1) of section 60 (Fares and charges on Corporation omnibuses) of the Act of 1922 is hereby repealed.

Accounts of tramway undertaking.

25.—(1) The Corporation shall keep the accounts in respect of the tramway undertaking so as to show separately (so far as may be reasonably practicable) the receipts and expenditure in regard to their tramways trolley vehicles and omnibuses and in such accounts capital shall be distinguished from revenue.

(2) The proviso to section 62 (Omnibuses to form part of tramway undertaking) of the Act of 1922 and the proviso to section 36 (Trolley vehicles to form part of tramway undertaking) of the Act of 1925 are hereby repealed.

Omnibus undertaking authorised by this Act to form part of omnibus undertaking referred to in Act of 1922.

26. The omnibus undertaking as defined by this Act shall for the purposes of the Act of 1922 be deemed to form part of the omnibus undertaking as defined by that Act.

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Application of certain provisions of Act of 1922 to omnibus services.

27. The following provisions of the Act of 1922 shall extend and apply with respect to the omnibuses and omnibus services authorised by this Act and to the omnibus undertaking as defined by this Act as if those provisions were with all necessary modifications re-enacted in this Act—

Section 58 (Power to provide and run omnibuses) except subsection (1) of that section;

Section 60 (Fares and charges on Corporation omnibuses) except subsection (1) of that section; and

Part V. (General provisions as to tramways and omnibuses):

Provided that section 68 (Stopping and starting places) of the Act of 1922 shall for the purposes of that Act and of the application of the said section to the omnibus undertaking as defined by this Act be read and have effect as if the word "fix" had been inserted therein in lieu of the words "make regulations for fixing" and as if the words "and fixing of time" had been inserted therein in lieu of the words "and regulations."

For protection of certain local authorities.

28. For the protection of the urban district councils of the urban districts of Blackrod Farnworth Horwich Kearsley Little Hulton Little Lever Tottington Turton Westhoughton and Worsley (each of which authorities is in relation to the district of such authority in this section referred to as "the local authority") the following provisions shall have effect (that is to say):—

(1) Notwithstanding anything contained in this Act the Corporation shall not except with the consent of the local authority which may be given or withheld at their discretion run omnibuses in the district of the local authority on any route other than the following routes namely:—

In the urban district of Turton—

(*a*) Commencing in Belmont Road at the boundary between the borough and the urban district of Turton proceeding thence in a north-westerly direction along Belmont Road the main road leading from

Bolton to Preston and High Street Belmont and terminating in the last mentioned street at a point 150 yards or thereabouts north of the northerly side of Chapel Street;

(*b*) Commencing in Bradshaw Brow at the termination of the existing tramway of the Corporation in that road proceeding thence in a north-westerly direction along Turton Road and Darwen Road and terminating at the junction of the last mentioned road with Blackburn Road;

(*c*) Commencing at the junction of Chapeltown Road with Darwen Road proceeding thence in a northerly direction along Chapeltown Road Wellington Road Turton Bottoms and Bolton Road and terminating at the junction of that road with Blackburn Road Broadhead Road and Bury Road;

(*d*) Commencing in Blackburn Road near Dunscar Bridge at the boundary between the borough and the urban district of Turton proceeding thence in a northerly direction along Blackburn Road and terminating in the last mentioned road at the boundary between the urban district of Turton and the borough of Darwen:

In the urban districts of Turton and Tottington—

(*a*) Commencing in Bradshaw Brow in the urban district of Turton at the termination of the existing tramway of the Corporation in that road proceeding thence in a north-easterly direction along Bradshaw Brow Bolton Road and Bradshaw Road to the junction of the last mentioned road with Bolton Road near the Bull's Head Inn thence in an easterly direction along such last mentioned road and terminating at the boundary between

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the urban district of Tottington and the urban district of Ramsbottom;

(*b*) Commencing in the urban district of Turton at the junction of Turton Road with Bradshaw Road near the Bull's Head Inn and proceeding thence in a south-easterly direction along Turton Road and Market Street in the urban district of Tottington to the termination in the last mentioned street of the existing tramway of the mayor aldermen and burgesses of the county borough of Bury:

In the urban district of Horwich—

(*a*) Commencing in Chorley Old Road at the boundary between the borough and the urban district of Horwich proceeding thence in a westerly direction along Chorley Old Road Church Street and Lee Lane and terminating at the junction of the last mentioned lane with Chorley New Road and Scholes Bank near to the Crown Hotel;

(*b*) Commencing at the junction of Chorley New Road Lee Lane and Scholes Bank at the termination of the existing tramway of the Corporation at that junction proceeding thence in a northerly and easterly direction along Scholes Bank and the new road leading from Scholes Bank to Rivington Lane and terminating in such new road at the boundary between the urban district of Horwich and the parish of Rivington in the rural district of Chorley;

(*c*) Commencing in Scholes Bank at the junction of Scholes Bank with the new road leading from Scholes Bank to Rivington Lane proceeding thence in a north-westerly direction along Scholes Bank to the boundary between the urban district of Horwich and the parish of Rivington in the rural district of Chorley:

In the urban districts of Horwich Blackrod and Westhoughton— A.D. 1926.

Commencing at the junction of Chorley New Road Lee Lane and Scholes Bank at the termination of the existing tramway of the Corporation at that junction proceeding thence in a south-westerly direction along Crown Lane Station Road and Tanners Brow to Manchester Road in the urban district of Blackrod thence in a south-easterly direction along such last mentioned road Chorley Road and Manchester Road in the urban district of Westhoughton to the terminus of the existing tramway of the Corporation at Hulton Lane Ends:

In the urban district of Westhoughton—

(*a*) Commencing in Chorley Road at the junction of that road with Church Street proceeding thence in a southerly direction along such last mentioned street and terminating at the junction of that street with Market Street and Wigan Road at the termination of the existing tramway of the Corporation;

(*b*) Commencing in Market Street at the junction of that street with Bolton Road proceeding thence in an easterly direction along Market Street and Park Road and terminating at the junction of the last mentioned road with Manchester Road:

In the borough and the urban districts of Horwich and Westhoughton—

Commencing in Chorley New Road Horwich at the junction of that road with Alexandra Road proceeding thence in a southerly direction along Alexandra Road Lostock Lane and Lostock Road to the junction of the last-mentioned road with Chorley Road in the urban district of Westhoughton:

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In the urban districts of Farnworth and Little Lever—

Commencing in Manchester Road at the boundary between the borough and the urban district of Farnworth proceeding thence in a southerly direction along Manchester Road to the junction of that road with Hall Lane thence in an easterly direction along Hall Lane Church Street Market Street High Street and Stopes Road to the termination in the last mentioned road of the existing tramway of the Radcliffe Urban District Council at the boundary between the urban district of Little Lever and the urban district of Radcliffe :

In the urban districts of Little Hulton and Worsley—

Commencing at the junction of Salford Road with Manchester Road West at the boundary between the borough and the urban district of Little Hulton proceeding thence in a south-easterly direction along such last mentioned road and Manchester Road East and terminating at the junction of that road with Bolton Road Memorial Road and Bridgewater Road in the urban district of Worsley :

(2) Each of the authorities named in this section shall be deemed for the purposes of the section of this Act of which the marginal note is " Power to run omnibuses outside the borough " to have consented to the running by the Corporation of omnibuses on the routes described in subsection (1) of this section:

(3) Notwithstanding anything contained in this section if the Corporation at any time abandon or discontinue permanently the working of any of their tramways outside the borough existing at the date of the passing of this Act they shall not thereafter run or continue the running of omnibuses on the route of such tramway

except with the consent of the local authority which may be given or withheld at their discretion. A.D. 1926.

For protection of South Lancashire Tramways Company.

29. Notwithstanding anything contained in this Act the following provisions for the protection of the South Lancashire Tramways Company (in this section called "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

(1) If and so long as the company run an efficient service of tramcars along any road outside the boundary for the time being of the borough along which any tramway which at the date of the passing of this Act is owned by leased to or worked by the company is laid the Corporation shall not under the powers of this Act without the consent of the company under their common seal run omnibuses along any continuous length exceeding half a mile of that road so as to compete with such tramway so long as the same continues to be owned or worked by or leased to the company Provided that the company shall not for the purposes of this section be deemed to have failed to run an efficient service of tramcars in any case in which any inefficiency of the service is a necessary consequence of a strike or unforeseen accident or circumstance beyond the control of the company:

(2) Any difference at any time arising between the Corporation and the company as to whether or not the company are running an efficient service of tramcars within the meaning of this section or as to whether any such competition as is referred to in subsection (1) of this section exists or would exist shall be determined by an arbitrator to be agreed upon between the parties or (failing such agreement) to be nominated 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.

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As to railway and canal bridges.

30. Nothing in the Act of 1922 or in this Act shall impose any obligation upon or enlarge any obligation of any railway or canal company to strengthen adapt alter or reconstruct any bridge or road maintainable by them respectively.

As to revision of fares and charges on omnibuses and trolley vehicles.

31. In the application of the provisions of section 54 (Periodical revision of tramway fares and charges) of the Act of 1922 to omnibuses of the Corporation by virtue of the section of this Act of which the marginal note is "Fares and charges on omnibuses" and to trolley vehicles of the Corporation by virtue of section 40 (Tramway tolls and charges and application to trolley vehicles of powers of charging on tramways) of the Act of 1925 the proviso to the said section 54 shall be construed as if the maximum fares and charges authorised immediately before the passing of the Act of 1922 in respect of the Corporation tramways had also been so authorised in respect of the omnibuses and trolley vehicles of the Corporation.

PART IV.

SANITARY.

Sufficient and proper food storage accommodation to be provided.

32. Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Water supply for dwelling-houses to be provided.

33. The owner of any dwelling-house or tenement which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

Provided that the owner of any dwelling-house erected before the passing of this Act shall not be liable to the penalties provided by this section unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house with a proper and sufficient water supply within such dwelling-house.

PART V.

FINANCE.

Expenses of execution of Act.

34. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such expenses as are to be paid out of borrowed money) shall be paid as follows (that is to say) :—

(1) Expenses incurred for sanitary purposes out of the district funds and the district rates;

(2) Expenses incurred for purposes of the water-works undertaking out of the water revenue;

(3) Expenses incurred for purposes of the tramway undertaking out of the tramway revenue;

(4) Expenses incurred for purposes of the omnibus undertaking out of the revenue of that undertaking and if such revenue be insufficient for the purposes to which it is applicable the deficiency shall be made up out of the tramway revenue;

(5) Expenses incurred for all other purposes (not otherwise provided for in this Act) out of the borough fund and the borough rate :

Provided that as respects such purposes as are referred to in the foregoing paragraphs (2) (3) and (4) respectively if in any year the water revenue or the tramway revenue be insufficient for the purposes to which it is applicable the deficiency shall be made up out of the borough fund and the borough rate.

Power to borrow.

35.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall respectively be " the prescribed

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period") mentioned in the fourth column thereof (namely):—

Purpose.	Amount.	Charges.	Period for Repayment.
	£		Years from date of borrowing.
(1) For the acquisition of lands for the general purposes of the water undertaking.	20,600	The water revenue and the borough fund and the borough rate.	60
(2) For the acquisition of lands for the general purposes of the tramway undertaking (including the omnibus undertaking) and for the erection of buildings for those purposes.	59,000	The tramway revenue and the borough fund and the borough rate.	45
(3) For the acquisition of lands for the purposes of parks recreation grounds or open spaces and for the laying out and development of such lands.	65,000	The borough fund and the borough rate.	55
(4) For the provision of omnibuses for the purposes of the omnibus undertaking.	80,000	The tramway revenue and the borough fund and the borough rate.	8
(5) For payment of the costs and expenses of obtaining this Act.	The sum requisite.	The borough fund and the borough rate.	Five years from the passing of this Act.

(2) (*a*) The Corporation may also with the consent of the Minister of Health borrow such money as may be necessary for any of the purposes of this Act other than for the purposes of Part III. (Omnibuses and trolley vehicles) and such additional moneys as may be necessary for any purpose (other than such last-mentioned purposes) referred to in subsection (1) of this section and may with the consent of the Minister of Transport as respects the said Part III. borrow such money as may be necessary for any of the purposes of that Part.

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(*b*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the 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 such revenue fund or rate as may be prescribed by the Minister with whose consent the money is borrowed.

(3) The provisions of this section prescribing or relating to the prescription of the revenues funds or rates which may be mortgaged or charged shall not affect the operation of section 180 (Power to use one form of mortgage for all purposes) of the Act of 1922.

Section 234 of Public Health Act 1875 not to apply.

36. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) 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.

Application of certain financial provisions of Act of 1922.

37. The provisions of the following sections of the Act of 1922 shall extend and apply for the purposes of this Part of this Act as if those provisions had been re-enacted in this Act with any necessary modifications (that is to say) :—

Section 176 (Mode of payment off of money borrowed);
Section 177 (Sinking fund);
Section 179 (Incorporating certain sections of Acts of 1898 and 1901); and
Section 193 (Receipt in case of persons not sui juris).

Application of money borrowed.

38. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Return to Minister of Health with

39.—(1) The treasurer shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for

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the repayment of any loans raised by the Corporation in pursuance of any statutory borrowing power.

respect to repayment of debt.

(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 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 treasurer 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 this Act 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 purpose other than those authorised the Minister may by order 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 treasurer 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) All enactments in force immediately before the passing of this Act which require any return to be made to the Minister of Health as to the repayment of debt are hereby repealed.

Part VI.

Miscellaneous.

Provisions as to tents vans &c.

40.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public

Health (Buildings in Streets) Act 1888 to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section. A.D. 1926.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

(3) Any person who offends against the provisions of subsection (2) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Prohibition of tents vans &c.

41.—(1) (*a*) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the borough without the previous approval of the Corporation but this subsection shall not apply to a tent van shed or structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months.

(*b*) Any person aggrieved by the withholding by the Corporation of their approval of any land for the purposes mentioned in this subsection may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem just The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(2) It shall not be lawful for any person to let or use any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(3) This section shall not apply to any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stall-holder not being a pedlar or hawker.

(4) Any person offending against the provisions of this section shall be liable to a penalty not exceeding

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Power to impose tests on motor drivers.

42. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage or omnibus unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable tests as they may think fit.

Insurance by hackney carriage proprietors.

43. The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage or omnibus if the applicant fails to satisfy them that he effects and keeps on foot an insurance with a responsible insurance company against or makes adequate financial provision for meeting any liability that may be incurred by him in respect of any injury or damage occasioned by such hackney carriage or omnibus to any person or property but in the event of any licence to ply for hire with an omnibus being refused under this section the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 of the Roads Act 1920 and all the provisions of that subsection shall apply accordingly.

Unauthorised riding upon vehicles.

44. Every person who shall ride upon or cause himself to be carried or drawn by any vehicle without the consent of the owner or driver thereof shall be liable to a penalty not exceeding ten shillings.

Power of entry.

45. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall so far as applicable extend and apply to the purposes of Part IV. (Sanitary) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

46. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under the provisions of Part IV. (Sanitary) of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to carry into effect such requirement and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to carry

into effect the said requirement he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in carrying into effect the said requirement. A.D. 1926.

Application of general provisions of Act of 1922.

47. The provisions of the following sections of the Act of 1922 shall extend and apply to and for the purposes of this Act (that is to say):—

Section 212 (Inquiries by Minister of Transport);
Section 215 (Informations by whom to be laid);
Section 217 (Recovery of demands);
Section 218 (Compensation how to be determined);
Section 220 (Incorporation of certain sections of Act of 1905);
Section 221 (Saving for indictments &c.); and
Section 222 (Crown rights):

Provided that for the purposes of this Act section 104 (Inquiries by Local Government Board) of the Bolton Corporation Act 1905 applied by the said section 220 of the Act of 1922 shall be read and have effect as if the sum of five guineas had been therein referred to instead of the sum of three guineas.

Costs of Act.

48. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the borough fund and the borough rate but ultimately out of money borrowed under the authority of this Act for that purpose.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS TO BE ACQUIRED FOR PURPOSES OF THE WATER UNDERTAKING.

(A) Lands in the county borough of Bolton comprising an area of 325 acres or thereabouts bounded (i) on the north and north-east by a line or imaginary line commencing at the south-westerly corner of the enclosure numbered 360 on the $\frac{1}{2500}$ scale Ordnance map (edition of 1908) Lancashire sheet LXXXVI. 7 drawn thence in an easterly direction along the southern boundary of such last-mentioned enclosure thence in a northerly direction along the eastern boundary of such last-mentioned enclosure for a distance of 195 yards or thereabouts thence in a straight line in an easterly direction to the northernmost corner of the enclosure numbered 358 on the before-mentioned Ordnance map thence in a straight line in a south-easterly direction to a point on the boundary between the enclosures numbered 366 and 369 on the before-mentioned Ordnance map 110 yards or thereabouts south-westward of the northernmost corner of the last-mentioned enclosure (ii) on the east partly by an imaginary line commencing at the last-mentioned point drawn in a straight line in a southerly direction to the north-easterly corner of the enclosure numbered 380 on the $\frac{1}{2500}$ scale Ordnance map (edition of 1909) Lancashire sheet LXXXVI. 11 thence along the northerly westerly and south-westerly boundaries of the last-mentioned enclosure thence in a southerly direction across Chorley Old Road to the northern side of the buildings erected on the eastern boundary of the enclosure numbered 381 on the last-mentioned Ordnance map thence in a westerly direction for a distance of 10 yards or thereabouts thence in a southerly direction to the southern boundary of the said enclosure numbered 381 and thence in an easterly direction along that boundary to the centre of Old Kiln Lane and partly by the centre of Old Kiln Lane (iii) on the south partly by Old Hall Lane and partly by the High Rid reservoir of the Corporation and (iv) on the west by the boundary between the urban district of Horwich and the borough (being the western boundary of the enclosures respectively numbered 408 407 390 389 and 374 on the last-mentioned Ordnance map and 373 and 361 on the first-mentioned Ordnance map) but excepting from the lands comprised within the said boundaries the premises respectively known as Scant Row lying on the northerly side of

Chorley Old Road and Land Fold lying on the southerly side of that road. A.D. 1926.

(B) Lands in the said county borough comprising an area of 22 acres or thereabouts and forming the site of the existing Heaton reservoir of the Corporation.

(C) Lands in the said county borough comprising an area of 38 acres or thereabouts and forming the site of the existing Rumworth reservoir of the Corporation.

THE SECOND SCHEDULE.

PART I.

LANDS TO BE ACQUIRED FOR PURPOSES OF PARKS RECREATION GROUNDS OR OPEN SPACES.

(A) An area of land in the county borough of Bolton bounded by a line or imaginary line commencing at the northernmost point of the enclosure numbered 316 on the $\frac{1}{2500}$ scale Ordnance map (edition of 1908) Lancashire sheet LXXXVI. 8 passing thence in a south-easterly direction along the north-eastern boundary of such last-mentioned enclosure to the easternmost point of such enclosure thence for a distance of 55 yards or thereabouts in a westerly direction along the southerly side of the footpath leading to Higher Bank and Lightbounds thence for a distance of 6·6 chains or thereabouts in a southerly direction across the enclosures respectively numbered 316 and 315 on the last-mentioned Ordnance map and the enclosure numbered 314 on the $\frac{1}{2500}$ scale Ordnance map (edition of 1909) Lancashire sheet LXXXVI. 12 to a point on the north-western boundary of the enclosure numbered 454 on the last-mentioned Ordnance map 15 yards or thereabouts westward of the northernmost point of that enclosure thence in a northerly and easterly direction along the northern boundary of such last-mentioned enclosure to the centre of Moss Lane thence for a distance of 193 yards or thereabouts in a southerly direction along the centre of Moss Lane thence in a south-easterly direction along the north-eastern boundary of the enclosure numbered 484 on the last-mentioned Ordnance map thence along the south-eastern boundary of the last-mentioned enclosure to and across Moss Lane thence along the southern boundary of the enclosures respectively numbered 486 454 and 487 on the last-mentioned Ordnance map thence in a north-westerly direction along the south-western boundary of the enclosures respectively numbered 487 489 and 447 on the

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last-mentioned Ordnance map thence in a north-easterly direction along the north-western boundary of the enclosures respectively numbered 447 and 448 on the last-mentioned Ordnance map to the road leading from Moss Bank to Lightbounds thence across such last-mentioned road to the south-western boundary of the enclosure numbered 318 on the last-mentioned Ordnance map thence along the south-western and north-western boundaries of the said last-mentioned enclosure thence in a north-easterly direction along the north-western boundaries of the enclosures respectively numbered 319 and 316 on the said $\frac{1}{2500}$ scale Ordnance map (edition of 1908) Lancashire sheet LXXXVI. 8 to the point of commencement hereinbefore described of the said line or imaginary line.

(B) An area of land in the said county borough lying to the south of the Bolton and Kenyon line of the London Midland and Scottish Railway bounded by a line or imaginary line commencing at the north-western corner of the enclosure numbered 1576 on the $\frac{1}{2500}$ scale Ordnance map (edition of 1909) Lancashire sheet XCIV. 4 passing thence in an easterly direction along the southern boundary of the before-mentioned line of railway to a point on such boundary opposite to the centre of the street known as Longfellow Avenue thence in a south-westerly direction along the centre of that street for a distance of 136 yards or thereabouts thence in a south-easterly direction for a distance of 30 yards or thereabouts to the centre of Back Longfield Road thence in a south-westerly direction along the centre of that road to a point therein opposite to the centre of Moorside Street thence in a south-easterly direction along the centre of Moorside Street to a point in the centre of Longfield Road thence in a south-westerly direction along the centre of such last-mentioned road to a point opposite to the centre of Henry Hermon Street thence in a south-easterly direction along the centre of such last-mentioned street to a point opposite to the centre of Back St. Helens Road thence in a south-westerly direction along the centre of such last-mentioned road to a point in the centre of Back Hulton Lane thence in a northerly direction along the centre of such last-mentioned lane to a point opposite to the centre of a street lying to the south of and abutting upon the premises known as Nixon's Farm thence in a westerly direction along the centre of such last-mentioned street to the eastern side of Hulton Lane thence in a northerly direction along the eastern side of such last-mentioned street to the point of commencement hereinbefore described of the said line or imaginary line.

(C) An area of land in the said county borough lying to the west of the Bolton Blackburn and Hellifield line of the London Midland and Scottish Railway bounded by a line or imaginary line commencing at the boundary between the urban district

of Turton and the borough at the north-eastern corner of the enclosure numbered 2799 on the $\frac{1}{2500}$ scale Ordnance map (edition of 1910) Lancashire sheet LXXXVII. 6 passing thence in a southerly direction along the western boundary of the last-mentioned line of railway to a point 17 yards or thereabouts north of the south-eastern corner of the enclosure numbered 2779 on the last-mentioned Ordnance map thence in a westerly direction across such last-mentioned enclosure and the enclosure numbered 2778 on the last-mentioned Ordnance map to a point on the north-easterly side of Hall i'th' Wood Lane 170 yards or thereabouts measured in a southerly direction from the south-western corner of the enclosure numbered 2797 on the last-mentioned Ordnance map thence in a westerly direction across Hall i'th' Wood Lane aforesaid the enclosure numbered 2603 on the $\frac{1}{2500}$ scale Ordnance map (edition of 1910) Lancashire sheet LXXXVII. 5 and the enclosure numbered 2601 on the $\frac{1}{2500}$ scale Ordnance map (edition of 1910) Lancashire sheet LXXXVII. 9 to a point on the boundary between such last-mentioned enclosure and the enclosure numbered 2836 on the before-mentioned $\frac{1}{2500}$ scale Ordnance map (edition of 1910) Lancashire sheet LXXXVII. 5 10 yards or thereabouts south of the northernmost point of the before-mentioned enclosure numbered 2601 thence in a northerly direction along the eastern boundary of the before-mentioned enclosure numbered 2836 to a point 109 yards or thereabouts north of the northernmost point of the before-mentioned enclosure numbered 2601 thence in a south-easterly direction for a distance of 42 yards or thereabouts to a point 82 yards or thereabouts northward of the northernmost point of the before-mentioned enclosure numbered 2601 thence in a north-easterly and northerly direction to a point on the boundary between the enclosure numbered 2818 on the last-mentioned Ordnance map and the before-mentioned enclosure numbered 2603 81 yards or thereabouts south of the northernmost point of the last-mentioned enclosure thence in an easterly direction for a distance of 68 yards or thereabouts to the Hall i'th' Wood Farm buildings thence in a northerly direction for a distance of 7 yards or thereabouts thence in an easterly direction for a distance of 10 yards or thereabouts thence in a northerly direction for a distance of 9 yards or thereabouts thence in an easterly direction to the centre of Hall i'th' Wood Lane thence in a north-westerly direction along the centre of Hall i'th' Wood Lane to a point 57 yards or thereabouts eastward of the northernmost point of the before-mentioned enclosure numbered 2603 thence in a northerly direction to the boundary between the before-mentioned enclosure numbered 2836 and the enclosure numbered 2819 on the last-mentioned Ordnance map thence in an easterly and northerly direction along the northerly and westerly boundaries of the last-mentioned enclosure to a point on the boundary between the said urban district of Turton and

A.D. 1926. the borough thence in an easterly direction along such last-mentioned boundary to the point of commencement hereinbefore described of the said line or imaginary line but excepting from the lands comprised within the said boundary line or imaginary line the reservoir and embankments thereof forming the enclosures numbered 2797 and 2798 on the last-mentioned Ordnance map.

Part II.

Lands to be acquired for purposes of the Tramway Undertaking.

Lands and premises in the county borough of Bolton known as Carlton Buildings bounded on the northerly side by Breightmet Street on the southerly side by the tramway repair depot of the Corporation on the easterly side partly by the land and premises numbered 32 Breightmet Street and partly by the before-mentioned tramway repair depot and on the westerly side by Carlton Street.

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