


SUPPLIED FOR THE PUBLIC SERVICES

# CHAPTER xcii.

An Act to authorise the Corporation of Burnley to construct street works waterworks and tramways to confer further powers upon the Corporation as to the running of omnibuses and in regard to their tramways water gas and electricity undertakings and the health local government and improvement of the borough to alter the boundary of the borough and to provide for the consolidation of the rates thereof and for other purposes. [7th August 1925.] A.D. 1925.

WHEREAS the borough of Burnley in the county palatine of Lancaster (hereinafter called "the borough") is a municipal borough subject to the Acts relating to municipal corporations and is also a county borough under the Local Government Act 1888 and the mayor aldermen and burgesses (hereinafter called "the Corporation") acting by the council are the sanitary authority for the district of the borough under the Public Health Act 1875:

And whereas it is expedient to empower the Corporation to construct the new street and street improvements referred to in this Act:

And whereas the Corporation are the owners of waterworks whereby they supply water in the borough

A.D. 1925. and certain areas adjacent thereto and by the Burnley Corporation Act 1908 they were empowered to construct additional waterworks including a reservoir to be called "the Hurstwood Reservoir":

And whereas owing to causes arising out of the war it was found impossible to complete the Hurstwood Reservoir within the time limited by the said Act of 1908 as extended by the Burnley Corporation Act 1916 and such time was further extended by the Burnley Corporation Act 1921 until the first day of August nineteen hundred and twenty-five by which time it is anticipated that the said reservoir will be completed:

And whereas it is expedient to extend the period for the re-payment of moneys borrowed for and in connection with the construction of the said reservoir and to authorise the Corporation to construct the further waterworks described in this Act:

And whereas the Corporation are the owners of and work the tramways within the borough and are also the owners or lessees of or are otherwise in possession of and work certain further tramways in the neighbourhood of the borough and it is expedient to empower them to construct the additional tramways referred to in this Act and to confer further powers upon them with regard to their tramway undertaking:

And whereas powers with regard to the running of omnibuses were conferred upon the Corporation by the above-mentioned Acts of 1908 and 1921 and it is expedient to make further provision with reference to the running of omnibuses by the Corporation:

And whereas it is expedient to make further provision with reference to the electricity and gas undertakings of the Corporation:

And whereas it is expedient to make further provision with regard to public baths which are provided by the Corporation and to amend the provisions of the Baths and Washhouses Acts 1846 and 1889 in relation thereto:

And whereas it is expedient to confer further powers upon the Corporation with regard to their parks and recreation grounds and other lands used for recreation purposes:

And whereas it is expedient to make further and better provision with regard to the health local government and improvement of the borough and that the powers of the Corporation in regard thereto should be enlarged as is provided in this Act:

And whereas it is expedient to make alterations in the boundary of the borough and to include therein certain areas which at present form part of the Burnley Rural District:

And whereas it is expedient to provide for the consolidation of rates levied in the area of the borough and to amend the law with regard to the making assessment and collection of rates therein:

And whereas it is expedient to make further provision with regard to the finances of the Corporation and the application of revenue derived from their several undertakings:

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

| | £ |
|---|---|
| For the construction of the street works authorised by this Act - - | 128,320 |
| For the construction of the water-works authorised by this Act - - | 39,000 |
| For the construction of the tramways authorised by this Act - - | 12,034 |
| For the electrical equipment of such tramways - - - - - | 1,645 |
| For the provision of omnibuses - - | 41,500 |

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

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:

A.D. 1925. And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster and are hereinafter respectively referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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:—

## PART I.

## PRELIMINARY.

Short title.

**1.** This Act may be cited as the Burnley Corporation Act 1925.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Street works.
Part IV.—Water.
Part V.—Electricity.
Part VI.—Gas.
Part VII.—Tramways and omnibuses.
Part VIII.—Streets buildings and drains.
Part IX.—Infectious disease and sanitary provisions.
Part X.—Maternity homes.
Part XI.—Sale of coke.
Part XII.—Alteration of boundary.
Part XIII.—Rating.
Part XIV.—Finance.
Part XV.—Miscellaneous.

A.D. 1925.

Incorporation of Acts.

**3.**—(1) 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):—

(*a*) The Lands Clauses Acts with the following exception and modification:—

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

(ii) The bond required by section 85 of the 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;

(*b*) The Waterworks Clauses Act 1847 except—

(i) the words "with the consent in writing "of the owner or reputed owner of any such "house or of the agent of such owner" in section 44;

(ii) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(iii) section 83 (with respect to the yearly receipt and expenditure of the undertakers);

(*c*) The Waterworks Clauses Act 1863;

(*d*) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the waterworks authorised by this Act; and

(*e*) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) Part II. and Part III. of the Tramways Act 1870 Provided that the words in section 19 of that Act "but nothing in this Act contained

A.D. 1925.

" shall authorise any local authority to place " or run carriages upon such tramway and to " demand and take tolls and charges in respect " of the use of such carriages " shall not apply to the Corporation.

(2) Nothing in this Act shall authorise any interference with electric lines and works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of 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 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 appointed day " means the first day of April nineteen hundred and twenty-six;

" The borough " means the borough of Burnley;

" The existing borough " means the borough as it existed immediately before the appointed day;

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

" The council " means the council of the borough;

" The mayor " " the town clerk " " the surveyor " " the medical officer " " the sanitary inspector " and " the treasurer " mean respectively the mayor the town clerk the surveyor the medical officer the sanitary inspector and the treasurer of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

" The borough fund " means the borough fund by this Act established;

" The borough rate " means the borough rate by this Act authorised to be made;

" The existing borough fund " and " the existing borough rate " mean respectively the borough

fund and the borough rate of the existing borough immediately before the appointed day;

"Road authority" means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

"The Corporation tramways" and "omnibus" have the meanings assigned to them respectively by section 4 (Interpretation) of the Act of 1921;

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;

"Child" means a person under the age of sixteen years;

"Sunday school" means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;

"Maternity home" means any premises in the borough used or represented as being or intended to be used (whether regularly or on any occasion) for the reception of a woman or women for the purposes of childbirth where any payment or reward is made or given by or on behalf of any woman received therein in respect of such reception but does not include any house flat or other self-contained premises (not regularly so used) taken or held by or for any woman for the purpose of accommodating her during her confinement;

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

"The county council" means the county council of the administrative county of Lancaster;

"The county" means the administrative county of Lancaster;

"The borough map" means the map signed in triplicate by Sir Thomas Robinson the Chairman of the Committee of the House of Commons

A.D. 1925.

to which the Bill for this Act was referred one of which has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office;

"The Act of 1888" and "the Act of 1894" mean respectively the Local Government Act 1888 and the Local Government Act 1894;

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same and "the Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

"The Burnley district" and "the Burnley Rural Council" mean respectively the Burnley Rural District and the Burnley Rural District Council;

"The added part of Ightenhill" and "the added part of Habergham Eaves" mean respectively the portions of the parishes or townships of Ightenhill and Habergham Eaves which are respectively coloured red and blue on the borough map;

"The added areas" means the added part of Ightenhill and the added part of Habergham Eaves;

"The township" means the township of Burnley;

"The existing township" means the township of Burnley as it existed immediately before the appointed day;

"The overseers" means the overseers of the poor of the township;

"The poor rate" means the poor rate for the township;

"Statutory borrowing power" and "statutory security" have the meanings assigned to them respectively by section 4 (Interpretation) of the Act of 1908;

"Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation

and the rates or contributions leviable by or on the order or precept of the Corporation;

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

"The Act of 1871" "the Act of 1883" "the Act of 1889" "the Order of 1896" "the Act of 1898" "the Act of 1900" "the Act of 1907" "the Act of 1908" "the Act of 1916" and "the Act of 1921" mean respectively the Burnley Borough Improvement Act 1871 the Burnley Borough Improvement Act 1883 the Burnley Corporation Act 1889 the Burnley Order 1896 the Burnley Corporation (Tramways &c.) Act 1898 the Burnley Corporation Act 1900 the Burnley Corporation Act 1907 the Burnley Corporation Act 1908 the Burnley Corporation Act 1916 and the Burnley Corporation Act 1921;

"The Local Acts" means the Act of 1871 the Act of 1883 the Act of 1889 the Act of 1898 the Act of 1900 the Act of 1907 the Act of 1908 the Act of 1916 and the Act of 1921 and any Provisional Orders in operation before the passing of this Act which amend the provisions of any of those Acts;

"The Order of 1890" and "the Order of 1912" mean respectively the Burnley Electric Lighting Order 1890 and the Burnley Electric Lighting (Extension) Order 1912.

## PART II.

## LANDS.

Power to take lands.

**5.** Subject to the provisions and for the purposes of this Act (including the provision of space for the erection of buildings adjoining or near to any street) the Corporation may enter on take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Use of part of Queen's Park.

**6.** Notwithstanding any covenant condition or restriction contained in the deed dated the twenty-first day of September eighteen hundred and ninety-one and made between Sir John Hardy Thursby Baronet and

A.D. 1925. Lady Louisa Harriet Thursby his wife of the one part and the Corporation of the other part the Corporation may appropriate hold and use for the purposes of Street Work No. 4 authorised by this Act the portion of Queen's Park in the borough which is included within the limit of deviation shown on the deposited plans in relation to that street work.

Acquisition of easements.

**7.**—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by Part IV. (Water) of this Act where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement or right or to impose any such restriction only.

(4) Every notice to treat for the acquisition of an easement or right shall either contain or be endorsed with notice of this provision.

Period for compulsory purchase of lands.

**8.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

A.D. 1925.

Further powers for acquisition of land.

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

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

Provided that nothing in this section shall authorise the Corporation—

(*a*) to create or permit any nuisance on any lands so appropriated;

(*b*) to appropriate such lands to any purposes other than purposes for which and subject to the conditions under which they are for the time being authorised to acquire and use lands.

(3) 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 section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

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

A.D. 1925.

and upon such terms as may be approved by the Minister of Health; or

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

Application of Act of 1907 to Burnley Order 1913.

**10.**—(1) Section 2 (Power to retain sell &c. surplus lands) of the Act of 1907 shall be read and have effect as if the words "or under the Burnley Order 1913 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1913 (hereinafter in this Act referred to as 'the Burnley Order 1913')" were inserted immediately before the words "or under the provisions of the Public Health Act 1875."

(2) Section 3 (Power to appropriate lands) and section 4 (Application of moneys from sale of land) of the Act of 1907 shall be read and have effect as if the words "or under the Burnley Order 1913" were therein inserted after the words "the Burnley Order 1892."

## PART III.

## STREET WORKS.

Power to make street works.

**11.** Subject to the provisions of this Part of this Act the Corporation may make and maintain in the lines and situation and upon the lands shown on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the following street works (that is to say):—

Street Work No. 2 A widening of Accrington Road on both sides:

Street Work No. 3 A widening and improvement of Church Street and of the bridge over the River Brun therein:

Street Work No. 4 A new road (including widenings and improvements of Browhead Road Queen Victoria Road and Belvedere Road and of Heasandford Bridge) commencing at the junction of Colne Road and Hill Road and terminating at the junction of Belvedere Road and Yorkshire Street.

Deviation for street works.

**12.** In the construction of the street works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of

lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or downwards.

For protection of guardians of Burnley Union.

**13.** For the protection of the guardians of the poor of the Burnley Union the following provisions shall unless otherwise agreed between the Corporation and the said guardians apply and have effect (that is to say) :—

Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall not acquire compulsorily any part of the lands numbered on the deposited plans 123 in the borough nor shall they construct any part of the Street Work No. 4 by this Act authorised upon the said lands except such portion thereof as may be conveyed to the Corporation by the said guardians.

## PART IV.

## WATER.

Power to construct waterworks.

**14.** Subject to the provisions of this Act the Corporation may wholly in the county in the lines and situations and according to the levels shown on the deposited plans and sections make and maintain the following works (that is to say) :—

(1) An aqueduct conduit or line or lines of pipes to be situate in the township of Worsthorne-with-Hurstwood and the borough commencing at the existing Heckenhurst service reservoir of the Corporation and terminating in Bank House Street :

(2) An aqueduct conduit or line or lines of pipes to be situate in the borough and the township of Ightenhill commencing at the junction of Brougham Street and Canning Street passing through the parish of Ightenhill and terminating at the junction of Ightenhill Park Lane and Padiham Road.

Limits of deviation.

**15.**—(1) In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of

A.D. 1925.

lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

(2) Provided that except for the purpose of crossing over a river stream or canal no part of the aqueducts authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of works.

**16.** If the works authorised by this Part of this Act and delineated on the deposited plans and sections are not completed within the period of ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant as and when occasion may require.

For protection of Leeds and Liverpool Canal Company.

**17.** Notwithstanding anything contained in this Act or shown on the deposited plans and sections the following provisions for the protection of the Leeds and Liverpool Canal Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the company and the Corporation have effect (that is to say):—

(1) The aqueduct conduit or line or lines of pipes (No. 1) authorised by this Part of this Act (hereinafter called "the said aqueduct") shall where the same is to be constructed over the canal and towing path of the company at Godley Bridge in the borough be carried alongside the said bridge with one full span over the canal and towing-path of the company and with a clear headway of not less than ten feet and four inches between the top water level of the said canal and the underside of the said aqueduct and in other respects the said aqueduct and works connected therewith so far as they affect or will be situate over the said canal and towing-path shall be executed under

the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company and in accordance with plans sections and particulars (showing fully the mode of construction and the materials to be used) to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section Provided that if such engineer shall not have expressed his approval or disapproval of the said plans sections and specifications within fourteen days after the same shall have been submitted to him he shall be deemed to have approved thereof :

(2) The Corporation shall not otherwise than by agreement purchase or take any land of the company or acquire any rights therein under the powers of this Act except only such easement and rights as may be reasonably necessary for the construction and maintenance of the said aqueduct in accordance with this Act :

(3) The Corporation shall at their own expense maintain the said aqueduct and the works in connection therewith so far as they affect or are situate over the said canal and towing-path in good repair at all times to the reasonable satisfaction of the said engineer and with the span and headway hereinbefore provided unless they abandon the said aqueduct or the portion thereof which is situate over the said canal and towing-path and in that case they shall (if required so to do by the company but not otherwise) remove to the reasonable satisfaction of the said engineer the said aqueduct and other works at their own expense and make good any injury caused thereby to the canal towing-path works and property of the company :

(4) If and whenever the height of the said aqueduct and the works in connection therewith shall by subsidence of the ground be lowered below the height hereinbefore prescribed the Corporation shall at their own expense restore the same to that height as soon as reasonably may be :

A.D. 1925.

(5) The Corporation shall as soon as reasonably practicable make good all damage that may be occasioned to the canal towing-path works or property of the company by the construction renewal repair or want of repair of the said aqueduct and works but if there is an emergency or if for seven days after notice in writing thereof given to the Corporation by the company the Corporation do not proceed with due diligence to make good such damage the company may (if they think fit) make good the damage and the reasonable expenses incurred by them in so doing shall be repaid to them by the Corporation:

(6) The Corporation shall take all reasonable precautions in the execution and maintenance of the said aqueduct and works connected therewith to prevent any interference with the free uninterrupted and safe user in the ordinary manner of the said canal and towing-path and if in consequence of the execution or failure of such aqueduct or works any interruption be caused to the traffic over and along the said canal and towing-path the Corporation shall make compensation to the company in respect of such interruption and the amount of such compensation unless agreed upon shall be determined by arbitration under this section:

(7) Nothing in this section contained shall prevent any owner of boats or barges from recovering from the Corporation any special damage that may be sustained by him in consequence of such interruption nor prevent the company from recovering from the Corporation any special damage that may be sustained by them in consequence of the works to be executed by the Corporation or by reason of any act or omission of the Corporation:

(8) Nothing in this Act shall interfere with the existing right of the company or the owners for the time being of the said bridge by agreement with the company at any time to alter reconstruct or improve the said canal towing-path or bridge in the same manner as they might have

altered reconstructed or improved the same if this Act had not passed and such aqueduct had not been carried over the said canal and towing-path and if the said canal towing-path or bridge be altered reconstructed or improved as aforesaid the Corporation shall at their own cost in all things make such reasonable alterations as may be necessary in the position of any works by means of which the said aqueduct is carried over the said canal and towing-path Provided that during the alteration reconstruction or improvement of the said canal towing-path or bridge as aforesaid the company shall afford all reasonable facilities for temporarily carrying the said aqueduct across the said canal and towing-path with a single span and with the headway aforesaid so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through the said aqueduct:

(9) Any dispute or difference which may arise between the Corporation and the company or their engineer with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be determined by arbitration by an engineer or other fit person to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

New works to be part of waterworks undertaking.

**18.** The works authorised by this Part of this Act shall for all purposes be part of the waterworks undertaking of the Corporation.

As to water charges in rural district of Burnley.

**19.** Notwithstanding anything contained in any previous Act or Order of the Corporation the rate of charge to be demanded by the Corporation for any supply of water which may be afforded by them to a consumer in the Burnley district during the period commencing on the twenty-sixth day of September nineteen hundred and twenty-five and ending on the twenty-fifth day of March

A.D. 1925.

nineteen hundred and twenty-seven shall not be more than twenty-five per centum in excess of the rate of charge for the time being payable by a consumer in the borough for a similar supply and the rate of charge to be demanded by the Corporation for any supply so afforded after the expiration of that period shall not be more than twenty per centum in excess of the rate of charge for the time being payable by a consumer in the borough for such a similar supply.

## PART V.

## ELECTRICITY.

Power to construct electrical sub-stations under streets.

**20.** The Corporation may in or under any street repairable by the inhabitants at large and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use subject to the provisions of the Electricity (Supply) Acts 1882 to 1922 and the Order of 1890 and the Order of 1912 construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient Provided that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid Provided also that no such sub-stations transforming stations or other works shall be constructed so as to interfere with or render less convenient the access to or exit from any station or depôt of any railway company.

Byelaws as to wires apparatus and fittings.

**21.**—(1) The Corporation may make byelaws for the purpose of preventing fire in any building or premises supplied with electricity by the Corporation with

respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any bye-laws made under this section.

(2) No byelaw made under this section shall apply to or in respect of any building or premises (other than a dwelling-house) belonging to or used by the London Midland and Scottish Railway Company.

Attachment of brackets &c. to buildings.

**22.** The Corporation may with the consent of the owner of any building attach to that building such brackets wires and attachments as may be required for lighting any street in the area of the Corporation for the supply of electricity Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused or withheld they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

(2) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court shall have the same powers as under proviso (1) :

(3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

A.D. 1925.

For the purpose of this section "the owner" shall be the actual owner together with any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent.

Further powers as to entry upon premises.

**23.**—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

Provisions as to supply of electricity by agreement.

**24.** If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement:

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

Power to recover charge for re-connection.

**25.** Any expenses reasonably incurred by the Corporation in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the

Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting. A.D. 1925.

Amendment of section 64 of Act of 1908.

**26.** Section 64 (Electrical fittings) of the Act of 1908 shall be read and have effect as if the word "sell" were inserted in sub-clause (1) of that section after the word "provide" where that word first occurs.

As to offices showrooms &c.

**27.** The Corporation may in connection with and for the purposes of their electricity undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

## PART. VI.

### GAS.

Provision of gas meter testing station.

**28.**—(1) Notwithstanding anything contained in the Sale of Gas Act 1859 or the Sale of Gas Act 1860 the justices of the peace in and for the borough may at any time after the passing of this Act by resolution adopt the said Acts of 1859 and 1860.

(2) The said justices may from time to time delegate any of their powers and duties under the said Acts or either of them (except the appointment or dismissal of an inspector or inspectors of gas meters) to a committee of their own body.

Powers as to residual products.

**29.** The Corporation may—

(*a*) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith on any lands upon which they are for the time being authorised to manufacture gas or work up and convert residual products manufacture other products of the same kind as the Corporation are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Corporation in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them; and

A.D. 1925.

(*b*) purchase from other undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid;

but the Corporation shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Corporation or purchased from other gas undertakings is merely subsidiary.

Supply of gas where consumer has a separate supply.

**30.** Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Corporation a supply of gas for any premises (other than a dwelling-house) having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

## PART VII.

### TRAMWAYS AND OMNIBUSES.

Power to make tramways.

**31.** Subject to the provisions of this Act the Corporation may make form lay down work use and maintain wholly within the borough the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers channels junctions turntables turnouts crossings passing places triangles waiting-rooms stables carriage-houses engine-houses station sheds buildings works and conveniences connected therewith

The tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 1 7·76 chains or thereabouts in length whereof 1·74 chains will be single line and 6·02 chains double line commencing at or near to the junction of Hill Top Street with Church Street proceeding along Gunsmith Lane and terminating at or near to the junction of Gunsmith Lane with Yorkshire Street;

Tramway No. 2 Three furlongs 0·03 chain or thereabouts in length whereof 1·81 chains will be single line and 2 furlongs 8·22 chains double line commencing at or near to the junction of Yorkshire Street with Belvedere Road proceeding along Brunshaw Road and terminating at or near to the junction of Brunshaw Road with Stroyan Street.

Tramways to form part of tramway undertaking of Corporation.

**32.**—(1) The tramways by this Part of this Act authorised shall form part of the "tramways" and the "tramway undertaking" as defined by the Act of 1898 and all the provisions as to tramways and as to the tramway undertaking of the Act of 1898 of the Act of 1900 of the Act of 1908 and of the Act of 1921 shall apply so far as applicable to the tramways authorised by this Part of this Act.

(2) No post or other apparatus shall be erected on any carriageway in connection with the tramways by this Act authorised without the consent of the Minister of Transport.

Time for completion of tramways.

**33.** If the tramways by this Act authorised shall not be completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to make additional cross-overs and to double tramway lines.

**34.**—(1) The Corporation may subject to the provisions of this Act with the consent of the Minister of Transport from time to time make maintain alter and remove such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act the Act of 1898 the Act of 1900 and the Act of 1908 as they find necessary or convenient for the efficient working of the Corporation

A.D. 1925.

tramways or for providing access to any warehouses stables or carriage-houses or works of the Corporation.

(2) Notwithstanding anything shown on the deposited plans or the plans deposited in connection with and referred to in the Act of 1898 the Act of 1900 and the Act of 1908 the Corporation may with the consent of the Minister of Transport at any time lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the Corporation tramways and may with the like consent construct or take up and reconstruct any of the Corporation tramways or any part thereof in such position in the road in which it is authorised to be constructed as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not except with the consent of the Minister of Transport be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

(4) The powers conferred upon the Corporation by this section shall not be exercised in the borough of Nelson without the consent in writing of the mayor aldermen and burgesses of that borough to which consent the said mayor aldermen and burgesses shall be entitled subject as hereinafter in this subsection provided to attach such conditions as they think fit Provided that such consent shall not be unreasonably withheld or made subject to any unreasonable condition and any question whether or not such consent has been unreasonably withheld or made subject to any unreasonable condition shall be determined by the Minister of Transport.

(5) The provisions of section 42 of the Act of 1900 except subsections (11) and (12) thereof shall extend and apply to the exercise by the Corporation of the powers contained in this section as if the same were re-enacted therein and the London Midland and Scottish Railway Company were mentioned in that section instead of the Lancashire and Yorkshire Railway Company.

Removal of obstructions.

**35.** If any obstruction to the traffic on any of the Corporation tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Corporation may so remove the vehicle or load and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and may recover the reasonable cost of so doing from the owner of the vehicle.

Power to run omnibuses.

**36.**—(1) Subject to the provisions of this Act the Corporation may provide or maintain (but shall not manufacture) and may run omnibuses within the borough and with the consent of the Minister of Transport and the local authority of the district along any route without the borough within a radius not exceeding three and a half miles from the Burnley town hall 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.

(3) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference

A.D. 1925.

with telegraphic communication by means of any telegraphs of the Postmaster-General.

(4) The Corporation may make byelaws for regulating the travelling in or upon their omnibuses and for the prevention of nuisances in or upon the same or in or against any premises held by the Corporation in connection therewith Provided that any such byelaws shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(5) Subsections (1) (3) (4) and (6) of section 40 (Corporation may run omnibuses) of the Act of 1908 are hereby repealed but without prejudice to anything done or suffered to be done thereunder.

(6) Subject to the provisions of this Act subsections (2) and (5) of the said section 40 of the Act of 1908 and the provisions of Part V. (Provisions as to omnibuses and tramways) of the Act of 1921 in so far as those provisions relate to the omnibuses of the Corporation shall extend and apply with any necessary modifications to the omnibuses provided maintained and run by the Corporation under the provisions of this section Provided that no shed shelter waiting-room or gangway shall be erected or maintained by the Corporation under the provisions of section 29 of the Act of 1921 as extended and applied by this subsection upon any main road repairable by the Lancashire County Council without the consent in writing of the Lancashire County Council.

For protection of Burnley Rural District Council.

**37.** Notwithstanding anything in this Act or in the Act of 1921 contained the powers of section 29 (Shelters or waiting-rooms) section 30 (Cloak-rooms &c.) section 32 (Power to require intending passengers to wait in lines or queues) and section 33 (Stopping and starting places) of the Act of 1921 shall not be exercised in the rural district of Burnley except with the consent of the rural district council of Burnley.

Adaptation of roads.

**38.**—(1) (*a*) Before the Corporation commence to run omnibuses over any road or part of a road it shall be determined by agreement between the Corporation and the road authority (where it is not the Corporation) 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 the date on which the

A.D. 1925. 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 of the Local Government Act 1888.

(3) If any such adaptation alteration reconstruction or strengthening as aforesaid shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) 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.

(6) Nothing in this Act shall impose any obligation upon any railway company to strengthen adapt alter or reconstruct any bridge maintainable by them or enlarge any existing obligation.

As to cesser of powers.

**39.**—(1) The powers of running omnibuses under the provisions 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 period.

**40.** 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 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 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

A.D. 1925. provide a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Corporation.

Fares and charges.

**41.**—(1) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport.

(2) Any application for a revision of such maximum fares or charges may be made by the Corporation or by the local authority of any district in which such omnibuses are run.

(3) Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

(4) Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

Omnibuses to form part of tramway undertaking.

**42.** Subject to the provisions of the Act of 1908 the Act of 1921 and this Act the omnibus undertaking authorised by those Acts and this Act shall be deemed to form part of the tramway undertaking of the Corporation Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with omnibuses shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking.

Accounts to be furnished to Minister of Transport.

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

## Part VIII.



### Streets Buildings and Drains.

Summary power for repair of streets.

**44.**—(1) The Corporation may where a street not being a highway repairable by the public is in a dangerous or defective condition by notice in writing under the hand of the mayor or town clerk require the owners of all buildings and lands abutting upon such street to repair and amend such street within a reasonable time and in manner to be prescribed by such notice.

(2) If such owners shall neglect to comply with such notice within the time therein appointed the Corporation may if they think fit execute the works and the expenses incurred by them in so doing shall be paid by such owners and shall be recoverable from them in the same manner as street expenses are recoverable under the Act of 1871 or any enactment amending that Act.

(3) (*a*) Any person aggrieved by any requirement of the Corporation under the provisions of subsection (1) of this section may appeal to a court of summary jurisdiction within fourteen days after the service of the notice referred to in that subsection provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as it may think fit and to award costs.

(*b*) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under subsection (1) of this section.

(4) If the owner or owners of buildings and lands comprising not less than four-fifths of the frontage to any such street as is referred to in subsection (1) of this section shall within one month of the receipt by him or them of the notices referred to in subsection (1) hereof in writing so require the Corporation shall in lieu of exercising the powers conferred upon them by this section cause such street to be paved and flagged or otherwise made good in such manner as they think fit in pursuance of the powers conferred upon them by Part III. (Streets and highways roads and paths) of the Act of 1871.

(5) The provisions of this section shall not apply to any street which has been freed from obstruction sewered drained levelled flagged paved macadamised or otherwise

A.D. 1925.

completed to the satisfaction of the Corporation as mentioned in section 50 (Streets when sewered paved &c. to be public highways) of the Act of 1871 notwithstanding that such street may not have been declared by the Corporation to be a public highway.

(6) A railway company shall not be liable to any new street expenses under this section in respect of any new street formed along the side of or abutting upon any railroad or railway cutting or embankment which new street does not communicate with such railroad or any other property of the company but the whole of such expenses shall be borne and paid by the other owners of property in such new street Provided that no such railway company shall at any time thereafter have any right to make any communication between the railway and any street (from the new street expenses of which they are hereby relieved) except upon such terms and conditions as shall be agreed upon between the Corporation (on behalf of the other owners of property in such new street) and the company and in case of difference the amount to be paid by the company shall be ascertained by a referee to be appointed by the Minister of Transport on the application of either party and the costs of such reference shall be in the discretion of the referee.

Amendment and application of section 17 of Public Health Acts Amendment Act 1907.

**45.**—(1) Section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 shall subject to the provisions of this section be in force in the borough.

(2) Section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 shall in its application to the borough be read and have effect as if the words "or any enactment" were inserted therein after the words "in pursuance of a byelaw" in subsection (1) thereof and as if the words "and of the local Acts" were inserted therein in the second paragraph of the said subsection after the words "the Public Health Acts 1875 to 1907" and as if the word "respectively" were inserted in the same paragraph after the words "those Acts."

Further provision

**46.**—(1) Section 40 (Width of new streets) of the Act of 1871 shall be read and have effect as if the words

"fifteen feet" were therein inserted instead of the words "twelve feet."

A.D. 1925.

as to width of new streets.

(2) As from the date upon which the Minister of Health shall sanction byelaws under the provisions of the Public Health Act 1875 or the Act of 1871 or any other Act with regard to the matters referred to in this section this section shall be repealed and shall cease to have effect or application within the borough but without prejudice to anything done or suffered to be done thereunder prior to the date of such repeal.

Power to develop lands &c.

**47.**—(1) The Corporation may lay out and develop any lands within the limits of deviation for the street works authorised by this Act acquired by them under the powers of this Act and not required for the purposes for which they were acquired or any lands belonging to the Corporation at the date of this Act which lands have a frontage to St. James Street and lie between Brown Street and Bethesda Street or (with the consent of the Minister of Health) any other lands belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain shops offices warehouses and other like buildings and construct pave flag channel and kerb streets roads and ways on any of such lands and may sell lease exchange or otherwise dispose of any such shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporation may enter into and carry into effect agreements and arrangements with the owners of

A.D. 1925.

or other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of the works by this Act authorised or any of them with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Removal of dilapidated and neglected buildings.

**48.**—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option to take down or repair such building (in this section referred to as a "neglected structure") or any part thereof or otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a

summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs. A.D. 1925.

Means of escape from buildings in case of fire.

**49.**—(1) Every new building which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) From and after the first day of January nineteen hundred and twenty-six the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a shop or restaurant if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such

A.D. 1925.

building the owner of the building shall upon the requirement of the Corporation make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape.

(4) (*a*) Any person aggrieved by any requirement of the Corporation under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(*b*) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under either of the said subsections.

(5) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirement of the Corporation under this section.

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable under all the circumstances of the case.

(7) The means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(8) This section shall not apply to any premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 apply.

(9) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

A.D. 1925.

Byelaws as to alterations to old buildings.

**50.**—(1) The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission in respect of the alteration of such plans and sections as can be required in relation to the erection of a new building.

(2) Nothing in this section shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or lands are used or held by such company for railway purposes.

Food storage accommodation to be provided.

**51.**—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated pantry or other 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.

(2) (*a*) Every dwelling-house the erection of which was commenced but not completed before the passing of this Act shall where reasonably practicable be provided with a sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(*b*) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within fourteen days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof

A.D. 1925.

to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(*c*) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(3) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

Sanitary conveniences for workmen engaged on buildings.

**52.**—(1) The contractor or builder engaged in or upon the erection of any new building or the construction or reconstruction of any existing building or of any works shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such construction or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

As to defective drains &c.

**53.**—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner and occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirements contained in any notice given under this section or work done by the Corporation are reasonable and whether the expenses incurred by the Corporation in doing such work was

reasonable and whether the same or any part thereof ought to be borne wholly or in part by the person or persons to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

Conversion of existing pail closets into water-closets.

**54.**—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Corporation may require any existing pail closet accommodation provided at or in connection with any building to be altered so as to be converted into a fresh-water closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer.

(2) If the owner of any such building fail in any respect to comply with a notice from the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner such part of the expenses incurred by the Corporation in so doing as they may recover under the provisions of subsection (3) of this section.

(3) The Corporation shall bear and pay such part of the expenses incurred by the owner or by them under the provisions of the preceding subsections (not being less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(4) The notice under this section shall state the effect of the provisions of this section.

Byelaws as to water-closets.

**55.** The Corporation may make byelaws for securing that waterclosets are so constructed and supplied with water that they can be adequately flushed by mechanical means and for securing their protection against frost and for the prevention of the improper use of such closets and of the blocking of the pipes therefrom.

Definition of water-closet.

**56.** For the purposes of this Part of this Act (except as otherwise expressly provided) a watercloset includes a water or slop closet flushed by means of slops or waste liquids of the household or rain water as well as a watercloset flushed by means of a freshwater supply.

A.D. 1925.

## PART IX.

## INFECTIOUS DISEASE AND SANITARY PROVISIONS.

To prevent spread of infectious disease amongst children in Sunday schools.

**57.**—(1) No person being the parent or having the care or charge of a child who is or has been attending any school which has been closed by order of the Corporation with the view of preventing the spread of infectious disease shall permit such child to attend any Sunday school in the borough without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school without undue risk of communicating disease to others.

(2) Any person who shall offend against this section shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to close Sunday schools in certain events.

**58.**—(1) If the Corporation or a committee of the Corporation acting on the advice of the medical officer with a view of preventing the spread of infectious disease in the borough require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any Sunday school wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

Extended meaning of "infectious disease" for certain purposes.

**59.** For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles whooping cough chicken pox ringworm and influenza.

Amendment of section 47 of Act of 1921.

**60.** Subsection (6) of section 47 (Removal of person suffering from pulmonary tuberculosis) of the Act of 1921 is hereby repealed.

Defining establishment of a new business for purposes of

**61.**—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act a trade business or manufacture shall be deemed

A.D. 1925.

to be established not only if it is established for the first time but also if without the consent of the Corporation—

section 112 of Public Health Act 1875.

(*a*) It is removed from one set of premises to any other premises; or

(*b*) It is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or

(*c*) Any premises on which it is for the time being carried on are enlarged;

but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership or occupation of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Corporation to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may be given so as to continue in force for such period only as the Corporation may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Discontinuance of offensive trade.

**62.**—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act and in the opinion of the Corporation it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of section 149 (As to appeal) of the Act of

A.D. 1925.

1908 the provisions of which are applied to this Act and that the provisions of that section shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Corporation as may be agreed upon between the Corporation and such person or as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Corporation with reference to offensive trades.

Rag and bone dealers not to sell food or bladders and balloons.

**63.**—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute any article of food or any bladder or balloon inflated or capable of inflation by human breath from any cart barrow or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connection with the business of rag and bone merchants.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Penalty on original vendor of unsound food.

**64.**—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) and found in the

possession of any person was sold to him by another person for the food of man (the proof that the same was not sold for the food of man resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

(2) Where any animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 the person to whom the same belongs or did belong at the time of deposit of such article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Cleansing of children and their clothing.

**65.**—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may examine the person and clothing of any child (other than children in boarding schools including reformatory and industrial schools) and if on examination the medical officer or any such

A.D. 1925.

authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed time he shall be liable to a penalty not exceeding ten shillings and the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act convey to such premises and there detain such child until such cleansing is effected.

(3) Where after the person or clothing of a child has been cleansed under this section the parent or guardian or other person liable to maintain the child allows him to get into such a condition that it is again necessary to proceed under this section the parent guardian or other person shall be liable to a penalty not exceeding twenty shillings.

(4) The examination or cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter to his usual or last known residence.

In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of such child whose person or clothing requires to be cleansed.

A.D. 1925.

Power to prohibit tents vans &c.

**66.**—(1) If any squatter or gipsy or other person dwelling in a tent or van or other similar structure occupies land within three hundred yards of any dwelling-house and the occupation of such land by him is a nuisance or injurious to health a court of summary jurisdiction may on complaint by the Corporation make an order prohibiting (either absolutely or subject to conditions) the further occupation of such land or any other land within a radius of one thousand yards thereof by such squatter or gipsy or other person and if the order be not complied with the squatter gipsy or other person shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) The Corporation before making any complaint shall give to the owner or lessee of the land so occupied or to the person who has suffered the land to be so occupied not less than seven days' notice in writing of their intention so to complain and shall at the same time give a similar notice to the squatter gipsy or other person with regard to whom the complaint is intended to be made.

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

Further provisions as to regulation dustbins.

**67.** The proviso to section 85 (Regulation dustbins) of the Act of 1908 is hereby repealed and the said section 85 shall be read and have effect as if in lieu of that proviso the following were inserted therein :—

Provided that—

(*a*) in any case where the Corporation require a galvanised iron dustbin to be provided in lieu of any ash-pit or ash-tub in use at the passing of this Act they shall except in any case in which the medical officer or the sanitary inspector shall have certified that owing to wilful neglect on the part of the owner after due notice to keep the same in proper repair any such ash-pit or ash-tub is in such a state as to create a nuisance or be injurious to health bear and pay such sum towards the expense of providing such galvanised iron dustbin (being not less than one-half thereof)

A.D. 1925.

as they may consider just and proper according to the circumstances and the remainder of such expenses shall be borne by the owner;

(*b*) if and so often as the Corporation under this section require such galvanised iron dustbin to be provided in lieu of any ash-pit or ash-tub which they have before the passing of this Act required or caused to be altered or have approved as altered by resolution or in writing under the hand of the medical officer or sanitary inspector all the expense of providing such galvanised iron dustbin shall be paid by the Corporation.

Restriction as to use of dustbins.

**68.**—(1) It shall not be lawful for any person to use any ashbin or dustbin for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(2) Any person contravening the provisions of this section shall be liable to a penalty of ten shillings and to a daily penalty of ten shillings.

Public notice to be given of provisions of this Part of Act.

**69.** Public notice of the effect of the provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

## PART X.

## MATERNITY HOMES.

Registration of maternity homes.

**70.**—(1) On and after the first day of January nineteen hundred and twenty-six (which date is in this Part of this Act referred to as "the prescribed date") it shall not be lawful for any person to carry on a maternity home within the borough unless the name of such person and the premises used or represented as being or intended to be used for the purpose of such home are registered with the Corporation.

(2) Any person requiring registration in respect of any such home shall make application in writing to the Corporation and shall in such application state—

(*a*) his full name;

(*b*) his age nationality and technical qualifications (if any);

(*c*) his private address or in the case of an application by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the persons directly or indirectly responsible for the management of such company society association or body;

(*d*) the name under which and the address at which such home is carried on or proposed to be carried on; and

(*e*) such further information (if any) as the Corporation may reasonably require with respect to the person or premises to be registered or the number of patients to be accommodated at any one time and the equipment in such premises;

and when making such application shall pay to the Corporation such fee as they may fix not exceeding five shillings.

(3) Every person carrying on any such home at the date of the passing of this Act and requiring registration in respect thereof shall make application for such registration within one month after the date or (if more than one) the latest date of publication of the advertisements with regard to this Part of this Act referred to in the section of this Act whereof the marginal note is "Notice of provisions to be given."

(4) Subject as in this section provided the Corporation shall as soon as reasonably practicable after the receipt of an application under the provisions of this section (and not later in the case of an application under subsection (3) of this section than the prescribed date) register the name of the applicant and the premises specified in his application.

(5) The Corporation by order to be served on the person carrying on or proposing to carry on any such home may refuse to register the name of such person or the premises used or represented as being or intended to be used for the purposes of such home or may cancel the registration of such person or premises on the ground that—

(*a*) such person is under the age of twenty-one years; or

A.D. 1925.

(*b*) such person is unsuitable to carry on such home; or

(*c*) the premises or their equipment are unsuitable for the purposes of a maternity home; or

(*d*) the premises are used or intended to be used for the accommodation at any one time of an excessive number of patients; or

(*e*) the premises or any other premises used for any purpose in connection with such first-mentioned premises or with any business or occupation carried on therein are being used for any immoral purpose.

(6) Before making any such order the Corporation shall give to the person proposed to be served therewith not less than seven days' previous notice in writing stating their intention to make the order and the grounds on which the order is proposed to be made and on written application made to them by such person within seven days after the giving of such notice they shall afford to such person an opportunity of being heard against the order.

(7) Any such order cancelling any registration shall take effect at the time specified in the order not being less than fourteen days after the service thereof but in the event of an appeal against any such order the order shall not come into operation unless and until it has been confirmed on appeal or the appeal has been abandoned.

(8) Any person aggrieved by any such order may appeal to a court of summary jurisdiction provided that such appeal is made within fourteen days after the order has been served upon him.

The court after considering any representations made on behalf of the Corporation may if it thinks fit confirm such order or direct the Corporation to withdraw such order and as soon as reasonably practicable the Corporation shall give effect to such direction.

Byelaws as to homes.

**71.**—(1) The Corporation may make byelaws prescribing the records to be kept with respect to the patients received the children born and the business carried on at a maternity home and also with respect to the cause of death of any patient or child dying in such

home and the holding of any inquest on any such patient or child and requiring the notification to the Corporation of any death occurring thereat.

(2) Every person carrying on a maternity home shall keep exhibited in a suitable place (to be approved by the Corporation) in such home a copy of the byelaws in force under this Part of this Act Provided that the provisions of this subsection shall not apply in the case of any hospital or home towards the maintenance of which any grant is made from the Exchequer.

Powers as to entry and inspection.

**72.** Any officer duly authorised by the Corporation in that behalf may subject to such regulations (if any) as may be made by the Corporation at all reasonable times enter and inspect any premises which are used or which such officer has reasonable cause to believe are used for the purposes of a maternity home and the entries in any records required to be kept in connection therewith.

Penalties for offences in respect of maternity homes.

**73.** Subject to the provisions of this Part of this Act—

(1) Every person who carries on a maternity home in contravention of the provisions of this Part of this Act shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of a second or subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any period of imprisonment not exceeding three months:

(2) Every person who—

(*a*) refuses to permit any officer of the Corporation to enter or inspect any premises which such officer is authorised under the provisions of this Part of this Act to enter and inspect or the records to be kept pursuant to any byelaw made under the said provisions or obstructs any such officer in the execution of his duty under such provisions or under the provisions of any such byelaw as aforesaid; or

(*b*) carries on a maternity home in contravention of the provisions of any such byelaw; or

A.D. 1925.

(*c*) issues publishes or displays or causes to be issued published or displayed any advertisement relating to a maternity home which is not registered in accordance with the provisions of this Part of this Act after the expiration of a period of seven days from the receipt of notice in writing from the Corporation that the registration of such home has been refused or cancelled under the provisions of this Part of this Act;

shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds:

(3) The court may in addition to imposing a penalty under this section order the cancellation of the registration:

Provided that a person who has appealed to a court of summary jurisdiction in accordance with the provisions of this Part of this Act against an order made by the Corporation thereunder cancelling registration shall not until such order has been confirmed on appeal or has been abandoned be liable to any proceedings under this section for the offence of carrying on a maternity home in contravention of the provisions of this Part of this Act or of any byelaw made thereunder.

Directors of companies to be personally liable for penalties.

**74.** Where any company registered under the Companies Acts 1862 to 1907 or under the Companies Acts 1908 to 1917 or any Act amending the same commits any offence for which a penalty is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers of such company as well as or instead of against the company and each such director or manager shall be liable on conviction to the like penalty as if he were the person committing the offence unless he proves to the satisfaction of the court—

(1) that the act which constituted the offence took place without his knowledge consent or connivance; and

(2) that he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

A.D. 1925.

Saving for homes carried on by medical practitioners.

**75.**—(1) Subject as hereinafter provided the provisions of this Part of this Act shall not apply in the case of a maternity home carried on by a duly registered medical practitioner with respect to which there has been lodged with the Corporation a certificate in a form to be approved by them and signed by two duly registered medical practitioners practising or residing in the borough not being in partnership with such first-mentioned medical practitioner or with each other and not having any financial or other interest in such home to the effect that the premises used or represented as being or intended to be used for such home and the equipment provided at such premises are in all respects suitable for the purpose and that the medical practitioner carrying on or proposing to carry on such home is a suitable person to carry on the same:

(2) Provided that any such certificate shall not be valid—

(*a*) with respect to any person or premises other than the person or premises specified therein; or

(*b*) for a period extending beyond the thirty-first day of January in the year next following the date of the certificate.

Saving for certain premises.

**76.**—(1) Notwithstanding anything contained in this Part of this Act the foregoing provisions thereof shall not apply in the case of—

(*a*) any hospital infirmary institution or other establishment maintained or controlled by any Government department or local authority or any other authority or body constituted by Parliament or incorporated by Royal Charter; or

(*b*) any hospital for the time being recognised by the voluntary Hospitals Commission; or

(*c*) any institution or home for the training of persons desirous of becoming midwives which is for the time being approved by the Central Midwives Board constituted under the Midwives Acts 1902 and 1918; or

(*d*) any maternity home in which only relatives of the person carrying on such home are received for the purposes of childbirth.

A.D. 1925.

(2) For the purposes of this section the expression "relatives" means sisters daughters granddaughters nieces aunts or mothers by consanguinity or affinity and in the case of persons of illegitimate birth persons who would be so related if legitimate.

Notice of provisions to be given.

**77.** The Corporation shall give public notice of the effect of the provisions of this Part of this Act by advertisement in two or more newspapers circulating in the borough and otherwise in such manner as they think sufficient.

## Part XI.

### Sale of Coke.

Weight ticket or note on delivery of coke over two hundredweight.

**78.**—(1) Where any coke sold or represented to be sold by weight and exceeding two hundredweight in quantity is delivered by means of any vehicle to a purchaser the seller of such coke shall deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before such load is discharged a ticket or note as nearly as may be according to the form in the Third Schedule to the Weights and Measures Act 1889 or according to a form to the like effect.

(2) If default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note or if the quantity of coke delivered is less than the quantity expressed in the ticket or note the seller thereof shall be liable to a penalty not exceeding five pounds.

(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or other officer appointed for the purpose by the Corporation he shall be liable to a penalty not exceeding five pounds.

(4) Any purchaser of coke in a quantity exceeding two hundredweight and any inspector of weights and measures or other officer appointed for the purpose by the Corporation may require that any coke sold as aforesaid or any vehicle used for the carriage of such coke be weighed or re-weighed by any instrument stamped by an inspector of weights and measures:

Provided that—

(*a*) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation; and

(*b*) Where any such coke or vehicle has at the instance of the purchaser been weighed or re-weighed in pursuance of this section and found to be of the weight stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing.

(5) If any person obstructs any weighing or re-weighing authorised by this section he shall be liable to a penalty not exceeding five pounds.

Regulating sale of coke under two hundredweight.

**79.**—(1) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight shall sell the same or offer or expose the same for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight and any inspector of weights and measures or other officer appointed for the purpose by the Corporation may require that any coke sold offered or exposed for sale as aforesaid be weighed or re-weighed or measured or re-measured by any instrument of measure stamped by an inspector of weights and measures:

Provided that—

(*a*) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation; and

A.D. 1925.

(*b*) Where any such coke has at the instance of the purchaser been weighed or re-weighed or measured or re-measured in pursuance of this section and found to be of the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring.

(3) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in quantities not exceeding two hundredweight shall have the name and address of the seller of such coke conspicuously painted upon such vehicle.

(4) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale at any wharf yard or other place coke in any quantity not exceeding two hundredweight and not contained in sacks as required by subsection (1) of this section shall not deliver to the purchaser a less quantity of coke than is agreed to be sold.

(5) If the seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded or fails to comply with the other provisions of this section or obstructs any weighing or re-weighing or measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

Proceedings by inspector of weights and measures.

**80.** Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this Part of this Act.

Public notice.

**81.** Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

## Part XII.



### Alteration of Boundary.

Commencement of Part XII.

**82.**—(1) This Part of this Act shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject-matter or context inconsistent therewith come into operation on the appointed day.

(2) Provided that for the purposes of all proceedings preliminary or relating to any election under the Municipal Corporations Acts or the Act of 1894 to be held on the ordinary day of election in the year nineteen hundred and twenty-six this Part of this Act shall operate from the date of the passing of this Act.

Alteration of borough boundary.

**83.**—(1) The boundary of the existing borough shall be altered so as to include in addition to the area of the existing borough the added areas.

(2) The boundary of the borough shall be that shown by the red line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough and shall be the county borough of Burnley for the purposes of the Act of 1888 and any other Act relating to county boroughs.

Borough map.

**84.**—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent as soon as may be to the clerk of the county council to the clerk to the Burnley Rural Council to the Commissioners of Customs and Excise to the Board of Inland Revenue to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister of Health to the Minister of Agriculture and Fisheries to the Minister of Transport and to the Electricity Commissioners.

(2) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as primâ facie evidence of the contents of the map so far as it relates to the boundaries of the borough and the map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from the map certified by the town clerk to be

A.D. 1925. true on payment of a reasonable fee to be determined by the Corporation All fees so received shall be carried to the credit of the borough fund.

Powers and duties of justices &c. extended.

**85.**—(1) The powers and duties of the quarter sessions recorder coroner and justices of the peace appointed for the existing borough of the clerk to those justices and of the police constables and other peace officers of the existing borough shall extend to and apply throughout the borough.

(2) Every person committing an offence in any part of the added areas prior to the appointed day shall be tried adjudicated on and dealt with as if this Act had not been passed.

(3) Every proceeding which prior to the appointed day has been begun by or before any justice or justices in relation to any matter arising in or concerning any part of the added areas may be carried on continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

As to wards.

**86.** Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of wards—

(*a*) the added part of Ightenhill shall be added to the Whittlefield Ward of the borough; and

(*b*) the added part of Habergham Eaves shall be added to the Gannow Ward of the borough

for the election of councillors and the councillors representing those wards respectively before the appointed day shall be deemed on and after the appointed day to represent those wards respectively as altered by this section.

County and Borough Councils (Qualification) Act 1914.

**87.** For the purposes of the application to the borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added areas shall be deemed to have always formed part of the borough.

Town clerk and other officers continued.

**88.**—(1) The town clerk and all other officers and servants of the Corporation of the existing borough who hold office at the appointed day shall continue to be the town clerk and officers and servants of the Corporation of the borough and shall hold their offices by the same tenure as immediately before that day.

(2) The auditors of the existing borough who are in office at the appointed day shall continue in office and shall for the purposes of the Municipal Corporations Acts be the borough auditors until the next ordinary day of election of borough auditors.

Local Acts.

**89.** The unrepealed provisions of all local Acts (including this Act) and of all Provisional Orders duly confirmed by Parliament and affecting the existing borough or the Corporation as the same respectively are in force within the existing borough at the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof.

Extension of gas limits.

**90.**—(1) As from the appointed day the limits of the Corporation for the supply of gas shall be extended so as to include the added part of Ightenhill and the added part of Habergham Eaves.

(2) The Corporation shall have and may exercise within their limits for the supply of gas as extended by this Act all and the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within their limits for the supply of gas as existing immediately before the appointed day.

Extension of electricity limits.

**91.**—(1) The area of supply under the Burnley Electric Lighting Orders 1890 and 1912 shall include the added areas and the added areas shall be excluded from the area of supply under the Lancashire Electric Power Acts 1900 to 1906.

(2) The Corporation shall have and may exercise within the said area of supply as extended by this Act all and the like powers privileges and authorities for and in relation to the supply of electricity and shall be subject to all and the like duties liabilities and obligations in respect thereof as they may exercise and are subject to within their limits for the supply of electricity as existing immediately before the appointed day.

Extension of water limits.

**92.**—(1) The limits of the Corporation for the supply of water shall include the added areas and those

A.D. 1925.

areas shall cease to be within the limits for the supply of water of the Burnley Rural Council.

(2) The Corporation shall have and may exercise within their limits for the supply of water as extended by this Act all and the like powers privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties liabilities and obligations in respect thereof as they may exercise and are subject to within their limits for the supply of water as existing immediately before the appointed day.

(3) The Corporation shall purchase from the Burnley Rural Council and that council shall sell to the Corporation all water mains pipes and other works belonging to them and situate within the added areas at such price as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889.

Corporation to be burial board for borough.

**93.**—(1) The Corporation shall be the burial board for the borough and shall have within the borough to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906.

(2) Provided that no approval sanction or authorisation of the vestry of the township shall be required in respect of any act of the Corporation as the burial board as aforesaid.

(3) Section 306 (Limits of Act as to cemetery) of the Act of 1871 and section 19 (Partial repeal of section 306 of Act of 1871) of the Act of 1889 shall be repealed and any reference in those Acts or any enactment amending the same to the "cemetery limits" shall be deemed to be a reference to the borough.

(4) The jurisdiction powers rights privileges authorities and duties of the Corporation under Part XIII. (Cemetery) of the Act of 1871 shall extend to and throughout the borough and the cemetery of the Corporation shall be available for the inhabitants of such part of the added areas as are not now within the limits referred to in section 306 (Limits of Act as to cemetery) of the Act of 1871 (as amended by any subsequent Act including this Act) in the same manner and to the same

extent and subject to the same payments rules and regulations as such cemetery is now or shall hereafter be available for the inhabitants of the cemetery limits. A.D. 1925.

Corporation property &c.

**94.** All property vested in the Corporation at the appointed day for the benefit of the existing borough shall by virtue of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which at the date aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the date aforesaid attach to the Corporation in respect of the existing borough shall from and after that date attach to them in respect of the borough.

Adoptive Acts.

**95.**—(1) The provisions of—

(*a*) The Infectious Disease (Prevention) Act 1890;

(*b*) Part III. of the Public Health Acts Amendment Act 1890; and

(*c*) The Notification of Births Act 1907

shall be in force in and apply to the borough as if those Acts had to the extent herein mentioned been adopted for the borough or made applicable thereto.

(2) The provisions of any adoptive Act (other than the Burial Acts and the enactments mentioned in subsection (1) of this section) shall cease to be in force in and apply to the added areas.

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas and any order under the Infectious Disease (Notification) Act 1889 in force on the day aforesaid in the added areas shall save as hereinbefore provided cease to be in force in those areas.

Orders under Public Health Acts Amendment Act 1907.

**96.** Subject to any order which the Minister of Health or the Secretary of State may make after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907:—

(1) The provisions of any order made before the appointed day and declaring to be in force

A.D. 1925.

throughout the existing borough any parts or sections of that Act shall have effect as if any reference in that order to the existing borough extended and applied to the borough and as if the said parts or sections were accordingly declared to be in force in the borough :

(2) Any other order under that Act which is in force on the appointed day throughout the existing borough shall extend and apply to the added areas :

(3) The provisions of any order made before the appointed day and declaring to be in force in the added areas any parts or sections of that Act shall cease to apply to the added areas and the parts or sections declared by any such order to be in force shall save as hereinbefore provided cease to be in force in the added areas.

Orders under section 33 of Act of 1894.

**97.** The powers duties and liabilities of a parish council transferred to or conferred upon the Corporation by the orders of the Local Government Board under section 33 of the Act of 1894 dated the twentieth day of March eighteen hundred and ninety-five the tenth day of October eighteen hundred and ninety-five and the fourth day of August eighteen hundred and ninety-eight in relation to the appointment of overseers and assistant overseers and other matters in the said orders specified shall be deemed to have been transferred to or conferred on the Corporation in respect of the borough and of the township and the said orders shall have effect accordingly.

Orders under Shop Hours Act 1904 or Shops Acts 1912 to 1920.

**98.** Any order made under the Shop Hours Act 1904 or under the Shops Act 1912 or any subsequent Act providing for the closing of shops and in force immediately before the appointed day in any area affected by this Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applied immediately before the appointed day.

Orders under Wild Birds Protection Acts.

**99.** Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force on the appointed day in the existing borough shall extend to the added areas and any order under those Acts which is then in force

in the county palatine of Lancaster shall cease to apply to the added areas. A.D. 1925.

Byelaws regulations scales of charges &c.

**100.**—(1) Subject to the provisions of this Act—

(*a*) All byelaws made by the Corporation or by their watch committee and every scale of charges made by the Corporation which immediately before the appointed day are in force throughout the existing borough shall extend and apply to the borough until such byelaws or scale of charges may be altered or repealed;

(*b*) All byelaws made by the county council by the standing joint committee of the county of Lancaster or by the Burnley Rural Council (or their predecessors) and in force immediately before the appointed day in the added areas shall on such day cease to be in force therein except as regards any work which has been begun before that day or as regards any work which has not been so begun but for which plans have been approved before that day by the Burnley Rural Council or have been sent to their surveyor or clerk one month at least before that day and have not been disapproved by that council.

(2) As regards any work within the exception in paragraph (*b*) of subsection (1) of this section the byelaws in force immediately before the appointed day shall continue to apply until the completion of the work in like manner and with the like effect as if those byelaws had been made by the Corporation and as if the Corporation and the borough were referred to therein instead of the Burnley Rural Council and the Burnley district.

(3) Any proceedings which if this Act had not been passed might have been taken by the county council by the standing joint committee of the said county or by the Burnley Rural Council for any offence committed before the appointed day against any byelaws which by virtue of this section cease to be in force may be taken by the Corporation as if those byelaws had remained in force and the Corporation had been substituted therein for the county council the standing joint committee or the Burnley Rural Council as the case may require.

A.D. 1925.

(4) In this section "byelaws" includes any regulation and "scale of charges" includes any list of tolls or table of fees or payments.

County electoral division.

**101.**—(1) Subject to the provisions of section 54 of the Act of 1888 the areas of the Barrowford electoral division and the Briercliffe electoral division of the county shall be diminished by the exclusion of the added areas therefrom respectively.

(2) The persons who immediately before the appointed day were the county councillors representing the existing electoral divisions referred to in subsection (1) of this section shall be deemed to have been elected to represent those divisions respectively as altered by this Act and shall retire from office on the day on which they would have respectively retired if this Act had not been passed.

Alteration of townships and parishes.

**102.** The added areas shall be separated from the existing townships or parishes of Ightenhill and Habergham Eaves and shall be amalgamated with the existing township of Burnley and with that existing township shall form the township.

Parish councils.

**103.** The parish council of the existing township of Ightenhill shall be deemed to have been elected and shall be the parish council of the township of Ightenhill as altered by this Act and the parish council of the existing township of Habergham Eaves shall be deemed to have been elected and shall be the parish council of the township of Habergham Eaves as so altered.

Property &c. of district council and arrears of rates.

**104.**—(1) All property and liabilities which immediately before the appointed day are vested in or attach to the Burnley Rural Council in relation exclusively to the added areas shall by virtue of this Act be transferred to and vest in and attach to the Corporation as urban sanitary authority and any property and liabilities vested in or attached to that council in relation to either of the added areas conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

(2) (*a*) All arrears of rates made by any overseers of the poor for the purposes of the Public Health Acts or for highway expenses or for the purposes of the Lighting

and Watching Act 1833 which at the appointed day are due or owing in respect of hereditaments in the added areas may be collected and recovered as if this Act had not been passed except that they may be so collected and recovered by the overseers of the township and when collected and recovered they shall be applied towards the discharge of any precept of the Burnley Rural Council which at that date shall be in force and not satisfied or in the case of rates made for the purposes of the Lighting and Watching Act 1833 towards defraying any expenses under the last-mentioned Act incurred by the parish council of the township or parish in which the premises (in respect of which the arrears of rates are payable) are situate and the balances if any shall be paid to the Corporation.

(*b*) Subject to the foregoing provisions of this subsection all arrears of rates made by the overseers of the poor and due or owing at the appointed day in respect of hereditaments in the added areas shall be collected and recovered by the overseers of the township.

(3) Any balance which at the appointed day is in the hands of the overseers of any township or parish which at the date of this Act includes any of the added areas shall be a matter for adjustment under section 62 of the Act of 1888.

(4) For the purposes of the application of section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Act that section shall have effect as if in subsections (5) (6) and (7) thereof the expression "council" included any authority affected by this Part of this Act or by anything done in pursuance thereof and as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister of Health may sanction.

A.D. 1925.

(5) For the purposes of the application of section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Act so far as it relates to the amalgamation of any of the added areas with the existing township that section shall have effect—

(*a*) as if the overseers of the townships or parishes the boundaries of which are altered by this Act were within the meaning of the said section as applied by this section authorities affected by this Part of this Act;

(*b*) as if the poor rate or any other rate leviable in pursuance of the said section as applied by this section were substituted for any fund mentioned in the section; and

(*c*) as if for subsections (6) and (7) of the said section there were substituted the subsections hereunto appended that is to say—

"(6) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that a separate rate shall be levied in part of a township or parish only the agreement or award may authorise the making of such a separate rate as if it were a poor rate and as if the part of the township or parish on which it is to be levied were a whole township or parish."

"(7) Any sum paid for the purposes of any adjustment or in pursuance of any order or award of an arbitrator shall be applied by such person in such manner and for such purpose as the Minister of Health may authorise or direct."

Property &c. of parish councils.

**105.** Subject to the provisions of this Act—

(1) Any powers or duties transferred by or under the Act of 1894 to the parish councils respectively (except powers or duties as the authority under any of the adoptive Acts as defined in the Act of 1894) shall so far as regards the added part of Ightenhill and the added part of Habergham Eaves be vested in and imposed on the persons and authorities in whom they would be vested or on whom

they would be imposed if the said added parts had been included in a parish in the existing borough on the appointed day within the meaning of the Act of 1894 and all property and liabilities held or incurred so far as regards the said added parts for the purpose or by virtue of the said powers and duties shall by virtue of this Act be transferred to and vest in the persons and authorities aforesaid;

(2) Any property or liabilities of the parish councils of Ightenhill and Habergham Eaves held or incurred so far as regards the added part of Ightenhill and the added part of Habergham Eaves respectively otherwise than by virtue or for the purposes of the powers or duties aforesaid shall by virtue of this Act be transferred to and vest in the Corporation.

District councillors and guardians.

**106.** Subject to the provisions of section 60 of the Act of 1894 the following provisions shall have effect:—

(1) The wards of the township for the election of guardians shall be altered in manner corresponding with the alteration in the wards of the borough effected by the section of this Act of which the marginal note is "As to wards" and the persons who at the appointed day are holding the office of guardians of the poor for any of those wards which are so altered shall be deemed to have been elected for and shall represent those wards as so altered:

(2) The persons who at the appointed day are holding the office of rural district councillors and guardians of the poor for the existing townships or parishes of Ightenhill and Habergham Eaves respectively shall be deemed to have been elected for and represent those townships or parishes as altered by this Act as if they had been originally elected to represent the altered townships or parishes.

Jurisdiction of existing authorities to cease.

**107.** Subject to the provisions of this Part of this Act the powers rights privileges authorities and duties of the county council the standing joint committee of the

A.D. 1925.

county of Lancashire the Burnley Rural Council the Ightenhill Parish Council and the Habergham Eaves Parish Council respectively shall as from the appointed day cease to be exerciseable by or attach to those councils and that committee so far as regards the added areas Provided that any provisions in any local Act or Order confirmed by Parliament for the benefit or protection of any of those councils or the said committee so far as they relate to or affect the added areas shall from and after the appointed day enure for the benefit and protection of the Corporation.

Urban powers &c. in excluded part of townships.

**108.** All the powers rights duties capacities liabilities and obligations of an urban authority and all the powers in relation to the chargeability of expenses with which the Burnley Rural Council are invested in pursuance of any order issued by the Local Government Board or the Minister of Health under the Public Health Acts in respect of the existing township of Ightenhill or the existing township of Habergham Eaves (as the case may be) shall be deemed to vest in and attach to the Burnley Rural Council in respect of the township of Ightenhill or the township of Habergham Eaves as respectively altered by this Act.

As to valuation lists and county rate basis.

**109.**—(1) Such adjustments may be made by the assessment committee of the Burnley Poor Law Union in the valuation lists of the existing townships or parishes of Burnley Ightenhill and Habergham Eaves as may be necessary to give effect to the provisions of this Part of this Act.

(2) Any adjustment in the basis of the county rate of the county which may be necessary in consequence of the provisions of this Part of this Act may be made by the appropriate committee of the county council.

(3) This section shall operate from the passing of this Act but no adjustment made in pursuance of this section shall affect any rate made before the appointed day or any contribution order or precept made or issued before that day.

Adjustment of financial relations between

**110.**—(1) In any case where the extension of the existing borough by this Act affects the distribution between the county and the borough or between the

A.D. 1925.

county and county boroughs.

county and the borough on the one hand and any other county borough on the other hand of the moneys payable out of the local taxation account or by the Postmaster-General in pursuance of the Act of 1888 of the Local Taxation (Customs and Excise) Act 1890 and of the Roads Act 1920 (as amended by any subsequent Act and as affected by any Order in Council) or any financial relations or questions between those areas or any adjustment which has been made in regard to the said distribution or financial relations or questions equitable adjustments may be made between the areas interested.

(2) Any such adjustment as is authorised by subsection (1) of this section may be made by agreement between the councils of the borough the county and the county borough affected and if such adjustment has not been made before the thirtieth day of September nineteen hundred and twenty-six then on the application of any of the councils interested the Minister of Health may if he thinks fit make or appoint an arbitrator to make the adjustment.

(3) In any case in which an agreement for equitable adjustments as aforesaid has not been made the provisions of the Act of 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Minister of Health or an arbitrator appointed by him as the case may be shall be substituted in those provisions for the Commissioners appointed under the Act of 1888 and notwithstanding anything contained in this Act or the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the said Minister be deemed to be made by him otherwise than as an arbitrator and any arbitrator appointed by him shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly:

Provided—

(*a*) that in lieu of subsection (6) of section 61 of the Act of 1888 subsections (1) and (5) of section 87 of the Act of 1888 as amended by the Fees (Increase) Act 1923 shall apply to any inquiries which may be directed by the

A.D. 1925.

Minister under this section and to the cost of those inquiries; and

(*b*) that subsection (6) of section 32 of the Act of 1888 shall apply to any agreement or award made under this section.

Adjustment purposes of Licensing (Consolidation) Act 1910.

**111.**—(1) An equitable adjustment shall be made between the county and the borough respecting the interest of the added areas in any compensation fund constituted under section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

(2) Such adjustment shall be made by agreement between the compensation authority (as defined by the Licensing (Consolidation) Act 1910) for the county and for the borough within twelve months from the appointed day or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of that Act shall apply accordingly.

Balances in accounts of various authorities.

**112.** Any cash balances and other assets and any liabilities of the county council the Burnley Rural Council the Ightenhill Parish Council and the Habergham Eaves Parish Council respectively at the appointed day and any sums received by them respectively after the appointed day in respect of the added areas or either of them shall be matters for adjustment under section 62 of the Act of 1888.

Insurance committee.

**113.**—(1) The Minister of Health may by order at any time after the passing of this Act make such provisions as appear to him to be necessary for transferring to the insurance committee for the borough such of the property rights and liabilities of the insurance committee for the county palatine of Lancaster as relate to persons resident in the added areas.

(2) An order made under this section may authorise the insurance committee for the said county to continue to act as insurance committee for the added areas until such date not being later than the thirty-first day of December nineteen hundred and twenty-six as may be specified in the order and may for that purpose postpone

the operation of this Part of this Act so far as relates to the rights and duties of the respective insurance committees for the said county and the borough until the date so specified and may provide for such financial adjustments and may contain such other consequential and supplementary provisions as may appear to the Minister of Health necessary or expedient.

(3) An order under this section shall have effect as if enacted in the National Insurance Act 1911 and may be revoked revised or amended by an order made in like manner as the original order.

(4) Subject to any order under this section the persons who immediately before the appointed day are members of the respective insurance committees for the said county and the existing borough shall be deemed to have been appointed or elected as and shall be the members of the respective insurance committees for the said county as altered by this Act and the borough.

As to jury service.

**114.** For the purpose of jury service any township or parish affected by this Part of this Act shall be deemed to continue unaltered until a new jurors' book relating to the township or parish as altered comes into force.

As to registers of electors.

**115.**—(1) For the purposes of the registers of local government electors of the borough prepared in the year 1926 and of all matters connected with incidental to or consequent upon those purposes the added areas shall be deemed to have formed part of the borough as from the first day of the qualifying period for the spring register 1926.

(2) In the preparation of the spring register 1926 so far as it relates to any areas affected by this Part of this Act it shall be competent to the registration officers of the parliamentary county of Lancaster and the parliamentary borough of Burnley to frame the register in separate parts for each area which will constitute a registration unit from and after the appointed day instead of in separate parts for each area constituting a registration unit before the appointed day.

(3) If the register of local government electors for any area affected by this Part of this Act is not so framed as to show the persons entitled to vote at an election or parish meeting to be held for a parish or ward or other voting area the town clerk in the case of an election for

A.D. 1925

any voting area within the borough and the registration officer of the parliamentary county of Lancaster in the case of an election or parish meeting for any voting area outside the borough shall make such alteration or rearrangement of the register as may be necessary for the purposes of such election or parish meeting.

(4) It shall be the duty of the overseers of any township or parish to render such assistance as may be required by the town clerk or by the registration officer of the parliamentary county of Lancaster for the purpose of such alteration or rearrangement.

Duplicate entries in electors lists.

**116.**—(1) The registration officer of the parliamentary county of Lancaster on publication of the electors lists for each registration unit in which the added areas are comprised shall supply the registration officer of the parliamentary borough of Burnley with a sufficient number of copies of those lists.

(2) It shall be the duty of the registration officer of the said parliamentary borough to issue such notices and otherwise to take such steps as are required by Rule 23 in the First Schedule to the Representation of the People Act 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the borough for the purpose of borough council elections or in any ward of the township for the purpose of guardians elections.

(3) Where the registration officer of the said parliamentary borough considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for the purpose aforesaid should be made in the electors lists of any registration unit comprising the added areas which is within the said parliamentary county he shall forthwith notify the registration officer of the parliamentary county and that officer shall make such correction accordingly.

(4) This section shall apply to the preparation of the spring register 1926 and of later registers.

Saving for contribution orders and precepts.

**117.** Notwithstanding the alterations of areas of any townships or parishes affected by this Act all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Act had not been passed.

Actions &c. not to abate.

**118.** Any action or proceeding or any cause of action or proceeding which at the appointed day is pending or existing by or against the Burnley Rural Council in relation exclusively to the added areas shall not be in anywise prejudicially affected by reason of the passing of this Act but may be continued prosecuted and enforced by or against the Corporation.

Saving for qualification of aldermen councillors &c.

**119.** Any alderman councillor or guardian who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification for being an alderman councillor or guardian by reason of the alterations of area made by this Part of this Act.

Saving for contracts &c.

**120.** Anything duly done or suffered and all contracts deeds bonds agreements and other instruments (subsisting at the appointed day) entered into or made by the Burnley Rural Council or their predecessors in relation exclusively to any part of the added areas shall be of as full force and effect against or in favour of the Corporation and may be continued and enforced as fully and effectually as if instead of the Burnley Rural Council or their predecessors the Corporation had done or suffered the same or been a party thereto.

Settlement of poor.

**121.** Every person who at the appointed day has acquired or is in the course of acquiring a settlement in the existing township or in the added areas by reason of any residence completed or in the course of completion or of any act or thing done or in the course of being done or of any status condition right or privilege acquired or created or in the course of acquisition or creation in the existing township or in the added areas shall be deemed to have acquired or to be in the course of acquiring a settlement in the township in each case as if the existing township or the added areas were and had always been part of the township.

Overseers and collectors of townships.

**122.**—(1) The overseers of the existing township of Ightenhill or of the existing township of Habergham Eaves shall be deemed to have been appointed as and shall be the overseers of the township of Ightenhill or of the township of Habergham Eaves (as the case may be).

(2) Any person holding immediately before the appointed day the office of assistant overseer or collector

A.D. 1925. of poor rates of the existing township of Ightenhill or of the existing township of Habergham Eaves shall act for that township as altered by this Act and shall continue to hold office upon the same terms and subject to the same regulations liabilities and provisions as now apply to him in respect of that office.

General effect of alteration of boundary.

**123.**—(1) Subject to the foregoing provisions of this Part of this Act the added areas shall for all purposes be deemed to form part of the borough and of the township.

(2) Where in the opinion of the Minister of Health the circumstances so require the said Minister may make such order as appears to him to be necessary for the purpose of giving effect to the provisions of this Part of this Act or for the removal of any difficulty in carrying those provisions into effect Provided that the Secretary of State in relation to any matter within his jurisdiction shall be substituted in this subsection for the Minister of Health.

Saving provisions.

**124.**—(1) Nothing in this Part of this Act—

(*a*) shall be construed as restricting the powers of the Minister of Health under the Acts relating to the relief of the poor or the powers of the Secretary of State the Minister of Health the county council or the Corporation under the Act of 1888 or the Act of 1894;

(*b*) shall affect the boundary of any area for ecclesiastical purposes or the limits of the parliamentary borough of Burnley or the parliamentary county of Lancaster or the boundary of any polling district for parliamentary elections as they respectively exist at the passing of this Act;

(*c*) shall affect land tax;

(*d*) shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment.

(2) For the purposes of income tax the provisions of the sections of this Act of which the marginal notes are "Alteration of borough boundary" "Alteration of townships and parishes" and "General effect of alteration of boundary" shall not come into

operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A. and B. for the preceding year is taken as the annual value of that property for the same purpose for that year.

## Part XIII.

## Rating.

Commencement of this Part of Act.

**125.** This Part of this Act shall come into operation as from the appointed day.

Borough fund and rate.

**126.**—(1) There shall be established in and for the borough a fund to be called the borough fund and if the borough fund is insufficient for the purposes to which it is applicable under this Act or otherwise by law the council for the purpose of raising such an amount as in addition to the borough fund will be sufficient for those purposes shall from time to time order a rate called the borough rate to be made in the borough.

(2) Subject to the provisions of this Act the provisions of the Municipal Corporations Act 1882 and of any other Acts relating to borough funds or borough rates shall apply to the borough fund and the borough rate respectively.

All expenses of Corporation to be paid out of borough fund and rate.

**127.**—(1) All expenses of the Corporation which if this Part of this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the existing borough fund the highway fund the lighting fund the cemetery fund the existing borough rate the general rate the cemetery rate the lamp rate or the highway rate shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Part of this Act any reference to the existing borough fund the highway fund the lighting fund the cemetery fund the existing borough rate the general rate the cemetery rate the lamp rate or the highway rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall

A.D. 1925.

be deemed to be a reference to the borough fund and the borough rate.

(2) The existing borough fund the highway fund the lighting fund and the cemetery fund shall be closed and any balance standing to the credit or to the debit of the existing borough fund the highway fund the lighting fund the cemetery fund the general rate the cemetery rate the lamp rate or the highway rate respectively shall be transferred to the credit or the debit (as the case may be) of the borough fund but any moneys owing to the Corporation in respect of or in connection with the existing borough fund the highway fund the lighting fund the cemetery fund the existing borough rate the general rate the cemetery rate the lamp rate or the highway rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

(3) The Corporation may make and levy any borough rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

Contribution to borough rate to be paid out of poor rate.

**128.** The contribution of the township to the borough rate shall be paid by the overseers out of the poor rate and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall (subject to the provisions of this Part of this Act) apply to the said contribution.

Poor rate to be called "the consolidated rate."

**129.** The poor rate (inclusive of the contribution to the borough rate levied as part thereof in pursuance of the provisions of this Act) shall be called "the consolidated rate" but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

Differential rating for certain classes of hereditaments.

**130.** The provisions contained in this section shall have effect with respect to the consolidated rate to be made and levied by the overseers (that is to say):—

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used

A.D. 1925.

as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of fifty-four per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section less the discount from time to time allowed in pursuance of the section of this Act whereof the marginal note is " Discount on consolidated rate " :

(2) During the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say) :—

" The owner of tithe rentcharge attached to a benefice shall be liable to pay only sixty-five per centum of the amount payable under subsection (1) of the section of the Burnley Corporation Act 1925 whereof the marginal note is " Differential rating for certain classes of hereditaments " in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining thirty-five per centum thereof shall on demand being made by the collector of the rate on the inspector of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of estate duty grant " :

(3) (*a*) During the continuance of the Agricultural Rates Acts 1896 and 1923 the occupier of any agricultural land as defined in the Agricultural Rates Act 1896 shall be liable to pay in each

A.D. 1925.

year in respect of such land a rate calculated on the basis of one-fourth only (instead of fifty-four per centum) of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section:

(*b*) On the expiration of the Agricultural Rates Act 1923 the words "thirty-five per centum" shall during the continuance of the Agricultural Rates Act 1896 be substituted for the words "one-fourth" in paragraph (*a*) of this subsection:

(4) Nothing in this section shall in any way affect—

(*a*) the share of the annual grant payable under the Agricultural Rates Act 1896 to any spending authority or save as expressly provided in this Act the operation of that Act; or

(*b*) the operation of the Agricultural Rates Act 1923 or the power of the Minister of Health to estimate as respects each half-year after the commencement of this Part of this Act the amount of the deficiency which would have arisen by reason of section 1 of that Act if this Act had not been passed in the produce of any rate for the purpose of the issue from the Local Taxation Account of the share of any spending authority in the additional annual grant under the Agricultural Rates Act 1923; or

(*c*) the operation of the Ecclesiastical Tithe Rent-charges (Rates) Acts 1920 and 1922; or

(*d*) the amount of the contribution for any purposes to be made by the parish out of the poor rate:

(5) (*a*) If any occupier referred to in subsection (1) of this section claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such

appeal shall be entertained by such quarter sessions unless fourteen days' notice in writing of such appeal and of the ground thereof be given by the appellant to the Corporation and the overseers;

(*b*) On appeals under this section the court to which such appeal shall be made shall have power to determine the amount payable by the occupier in respect of such rate and to award costs between the parties to the appeal.

Amendment of Article XVIII. of Burnley Extension Order 1911.

**131.** Article XVIII. (Mode of assessment of coal mines in added areas) of the Burnley (Extension) Order 1911 shall be read and have effect as if the consolidated rate were referred to therein instead of the general rate and the cemetery rate and as if the words "fifty-eight per centum" were substituted therein for the words "one-half."

Application of Poor Rate Assessment and Collection Act 1869.

**132.** The following provisions shall have effect in the application of the Poor Rate Assessment and Collection Act 1869 (in this section hereinafter called "the said Act") within the borough and the township:—

(1) The Corporation shall be substituted for and have all the powers of the vestry in and in relation to the provisions of the said Act:

(2) The following section shall be substituted for section 3 of the said Act namely:—

If the owner of any hereditament the rateable value of which does not exceed ten pounds or of any premises which are let in separate apartments or of which the rents are collected weekly is willing to enter into an agreement in writing with the overseers to become liable to them for the consolidated rate assessed in respect of such hereditament or premises for any term not being less than one year from the date of such agreement and to pay the consolidated rate whether the hereditament or premises is or are occupied or not the overseers may agree with the owner to receive the consolidated rate from him and to allow to him a commission of such amount not exceeding twenty per centum per annum

A.D. 1925.

on the amount thereof as the Corporation may from time to time determine:

(3) Section 4 of the said Act shall be read and have effect as if the words " all or any of the classes " of hereditaments or premises referred to in " subsection (2) of the section of the Burnley " Corporation Act 1925 of which the marginal " note is ' Application of Poor Rate Assess- " ment and Collection Act 1869 ' " were inserted therein instead of the words " all rate- " able hereditaments to which section 3 of this " Act extends ":

(4) The abatement or deduction under subsection (1) of section 4 of the said Act shall be ten per centum of the amount of the rate payable in respect of hereditaments of a rateable value not exceeding eight pounds five shillings and shall be seven and a half per centum of the amount of the rate payable in respect of hereditaments of a rateable value exceeding eight pounds five shillings but not exceeding ten pounds and the further abatement and deduction which may be allowed under subsection (2) of the said section may be of such an amount not exceeding ten per centum as the Corporation may from time to time determine:

(5) The amount of such commission or abatement and deduction as aforesaid which may be from time to time allowed as aforesaid may vary according to the rateable value of the hereditament or premises to which for the time being it shall be determined by the Corporation to apply provided that such amount shall be the same for the time being in the case of all hereditaments and premises for the time being of a like rateable value:

(6) Notwithstanding anything in this Part of this Act contained the provisions of this section shall come into operation on the passing of this Act but so that any resolution thereafter passed by the Corporation under the said provisions and any agreement with or notice by any owner thereafter made or given under either of the said sections 3 and 4 of the said Act shall not

take effect until after the commencement of this Part of this Act and any agreement with or notice given by any owner under either of the said sections in force at the passing of this Act shall be and the same are hereby determined on and from the commencement of this Part of this Act.

Certain sections of Public Health Act 1875 to apply.

**133.** Section 220 (Description of owner or occupier) and section 221 (Rates may be amended) of the Public Health Act 1875 shall apply to the borough in respect of the consolidated rate as if the overseers were an urban authority and the rate therein mentioned were the consolidated rate and the said section 221 shall extend to enable the overseers to amend any consolidated rate so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

Payment of consolidated rate by instalments.

**134.** The overseers if so required by the Corporation shall in pursuance of the provisions of section 15 (Overseers may make poor rate payable by instalments) of the Poor Rate Assessment and Collection Act 1869 declare that any consolidated rate made by them for a period exceeding three months shall be paid by instalments at such times as shall have been previously specified by the Corporation.

Service of rate demands by post.

**135.** The provisions of section 267 (Service of notices) of the Public Health Act 1875 shall apply to demand notes for the consolidated rate.

Discount on consolidated rate.

**136.**—(1) The Corporation may from time to time if they think fit direct the overseers to make an allowance by way of discount not exceeding five per centum on the amount due in respect of any consolidated rate from every person who pays the same within such time after demand of the rate as the Corporation shall prescribe and the overseers shall make such allowance accordingly.

(2) The same rate of discount shall be allowed to every ratepayer in similar circumstances.

(3) Notice of this enactment shall be endorsed on every demand note for rates.

Water rate may be collected with consolidated rate.

**137.**—(1) Any water rent rate or charge payable to the Corporation may be collected together with the consolidated rate and the same books may be used for the said rent rate and charge and the consolidated rate.

A.D. 1925.

(2) The Corporation may demand water rents rates and charges by half-yearly instalments in advance on the twenty-fifth day of March and the twenty-ninth day of September in each year but so that the same shall not be recoverable until the expiration of two months from the said twenty-fifth day of March and twenty-ninth day of September respectively.

Form of rate &c. may be prescribed by Minister of Health.

**138.** The consolidated rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the consolidated rate and water rent rate or charge shall be in such form as the Minister of Health may from time to time prescribe.

As to section 133 of Lands Clauses Consolidation Act 1845.

**139.** For the purpose of section 133 (Until completion of works promoters shall make good any deficiency of land tax and poor's rate caused by lands being taken) of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be one-third of the amount in the pound of the consolidated rate.

As to recovery of consolidated rate.

**140.**—(1) No warrant of commitment in respect of non-payment of the consolidated rate shall be issued against any person who shall satisfy the court that his failure to pay the said rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the said rate.

(2) Notwithstanding anything contained in section 2 of the Poor Rate Assessment and Collection Act 1869 there may be recovered at one time from the occupier of any rateable hereditament to whom that section applies such portion of the consolidated rate as would be payable on the day on which a complaint of non-payment is made if the rate had been made payable by equal quarterly payments extending over the period for which the rate is made.

Borough rate may include working balance.

**141.** The purposes to which the borough fund is applicable shall include the provision of a working balance for the payment of current expenses that may be incurred by the Corporation in the exercise or performance of the powers and duties the cost of which is charged on the borough fund and the Corporation may (in estimating the amount sufficient for those purposes and in ordering the borough rate to be made) include

such a sum as they may consider to be necessary for the provision of such working balance. A.D. 1925.

Overseers may require returns.

**142.**—(1) The overseers of the township may by notice in writing require the owner or occupier or reputed owner or occupier of any hereditament in the township (other than land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the First Schedule to this Act and containing the particulars therein mentioned or referred to:

Provided that (except for purposes connected with the preparation of and preliminary to a general revaluation for rating) the powers conferred by this section shall only be exercised—

(*a*) upon any change in the occupation or ownership of any hereditament; or

(*b*) upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament; or

(*c*) in the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section.

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this section within fourteen days after receipt of such notice as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and any person who wilfully makes or causes to be made a false return shall be liable to a penalty not exceeding ten pounds.

(3) The overseers of the parish shall whenever required by the assessment committee of the Burnley Poor Law Union produce from time to time to such committee the returns or any of them obtained by the overseers under the provisions of this section.

(4) Nothing in this section shall require a railway company to include in any return which they may be required to send to the overseers particulars with respect

A.D. 1925.

to their running lines sidings or stations or any hereditament therein nor shall anything in this section require a canal company to include in any return which they may be required to send to the overseers particulars with respect to their canal towing path quays or wharves or any hereditament therein or in respect of any of the reservoirs or pipe lines connected with their undertaking.

Repeal of certain provisions.

**143.** The following provisions of the following Acts are hereby repealed (namely):—

The Act of 1871—

Section 436 (Regulation of borough fund);
Section 437 (Power to levy borough rate);
Section 438 (Power to levy cemetery rate);
Section 439 (Power to levy lamp rate);
Section 440 (Mode of assessment);
Section 441 (Produce of borough rate to be carried to borough fund);
Section 442 (Produce of cemetery rate to be carried to cemetery fund);
Section 443 (Produce of lamp rate to be carried to lighting fund);
Section 444 (Application of cemetery fund);
Section 445 (Application of lighting fund);
Section 446 (Other provision as to borough fund and rate &c. excluded);
Section 447 (Power to levy highway rate);
Section 448 (Rates may be prospective or retrospective);
Section 450 (Value of property to be ascertained according to poor rate);
Section 451 (Power for council &c. to inspect parish rate books);
Section 452 (Assessment to rates in case of unoccupied premises — apportionment of rates between outgoing and incoming tenants &c.);
Section 453 (If poor rates considered an unfair criterion a valuation to be made);

Section 454 (Power for valuer to enter and examine lands &c. for purposes of valuation);

Section 455 (Power to levy rates on property not included in the poor rate);

Section 456 (Form of rate);

Section 457 (Owner may be rated without stating his name);

Section 458 (Notice of rate to be given);

Section 459 (Rate to be open to inspection of ratepayers);

Section 460 (Power to amend rates);

Section 461 (Persons aggrieved by inequality of rate may apply to council or county court judge);

Section 462 (Rates may be recovered by action or distress);

Section 463 (Rates due from owner may be recovered from occupier);

Section 464 (Rates made for a certain period to be apportioned);

Section 465 (Recovery of rates from persons removing);

Section 466 (so far only as it relates to rates) (Discount on rates &c.);

Section 467 (Rate books to be evidence);

Section 486 (the first paragraph numbered (3) the words " or by any rate or anything included in or omitted from any rate " the words " or rate " and the paragraph numbered (9)). (Appeal in case of summary conviction against orders of justices or against rates &c.).

The Fifth Schedule Forms No. 8 and No. 9.

The Act of 1883—

Section 144 (Provision as to general rate).

The Act of 1889—

Section 23 (Mode of assessment on coal within the added area).

A.D. 1925.

The Act of 1898—

Section 73 (As to collection of local rates);

Section 74 (Collection of rates by instalments).

The Act of 1908—

Section 140 (Amendment of section 445 of Act of 1871).

The Act of 1921—

Section 66 (Power to rate owner instead of occupier in certain cases);

Section 67 (Increase of cemetery rate).

## PART XIV.

## FINANCE.

Expenses of execution of Acts and Orders.

**144.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act or any other Act or Provisional Order in force in the borough with respect to which no other provision is made may be defrayed out of the borough fund and borough rate.

Power to borrow.

**145.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with 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 revenues of the Corporation and they shall pay off all money so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column thereof (namely):—

| 1 | 2 | 3 |
|---|---|---|
| Purpose. | Amount. | Period. |
| | £ | |
| (*a*) The purchase of lands for the construction of the street works and waterworks authorised by this Act. | The sum requisite. | Sixty years from the date or dates of borrowing. |
| (*b*) The construction of the street works authorised by this Act. | 128,320 | Thirty years from the date or date of borrowing. |

| 1 Purpose. | 2 Amount. | 3 Period. |
|---|---|---|
| | £ | |
| (*c*) The construction of the waterworks authorised by this Act. | 39,000 | Forty years from the date or dates of borrowing. |
| (*d*) The construction of the tramways authorised by this Act. | 12,034 | Twenty years from the date or dates of borrowing. |
| (*e*) The electrical equipment of such tramways. | 1,645 | Twenty years from the date or dates of borrowing. |
| (*f*) The provision of omnibuses - - | 41,500 | Eight years from the date or dates of borrowing. |
| (*g*) The payment of the costs charges and expenses of this Act. | The sum requisite. | Five years from the passing of this Act. |

(2) (*a*) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of Part VII. (Tramways and omnibuses) of this Act and with the consent of the Electricity Commissioners such further money as may be necessary for any of the purposes of Part V. (Electricity) of this Act and with the consent of the Minister of Health such further money as may be necessary for any of the other purposes of this Act.

(*b*) The Corporation may also borrow such further moneys as may be necessary for the purpose of providing a fund for working capital—

(i) as respects the tramway or omnibus undertakings of the Corporation with the consent of the Minister of Transport;

(ii) as respects the electricity undertaking of the Corporation with the consent of the Electricity Commissioners;

(iii) as respects any undertaking (other than the tramway omnibus or electricity undertakings) with the consent of the Minister of Health.

(*c*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is

A.D. 1925

borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

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

(3) In calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums which they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and reborrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

Extension of period for repayment of certain loans.

**146.** Notwithstanding anything contained in the Act of 1908 the Act of 1916 or the Act of 1921 the Corporation shall not be required to pay off the moneys borrowed for the purchase of lands for and in connection with the construction of the Hurstwood Reservoir under the provisions of those Acts within the periods therein respectively mentioned but they shall pay off all such moneys within the period of sixty years from the first day of April nineteen hundred and twenty-five and that period shall be the prescribed period in relation to such moneys for the purposes of the said Acts or any of them or of any enactment incorporated therewith respectively.

Period for repayment of loans under Municipal Corporations Act 1882.

**147.** Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister of Health shall in each case prescribe.

Use of moneys forming part of sinking and other funds.

**148.** The Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any fund accumulated for the redemption of debt or as a reserve renewals contingent or insurance fund (in this section respectively referred to as "the lending fund") and not for the time being required for the purpose for which the moneys have been accumulated subject to the following conditions:—

(1) The money so used shall be repaid by the borrowing fund to the lending fund as and when

required or determined by the Corporation out of the revenues of the Corporation and within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable:

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

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

Investment of and payments into sinking fund.

**149.** When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (that is to say):—

(*a*) The Corporation may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in statutory securities;

(*b*) The accumulations of the said yearly sums shall be paid and provided out of the borough fund and borough rate and any interest dividends and the proceeds arising from the investment

A.D. 1925.

of the said yearly sums and the accumulations thereof including any moneys standing to the credit of any sinking fund or loans fund as aforesaid at the passing of this Act shall be paid into the borough fund.

As to section 234 of Public Health Act 1875.

**150.** In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Corporation may borrow the amount of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the total debt of the Corporation under those Acts.

Return to Minister of Health with respect to repayment of debt.

**151.**—(1) The town clerk 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 the repayment of any loans raised by the Corporation under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the 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 any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any 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 Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) The provisions of this section shall extend and apply to any annual returns required to be made to the Minister with regard to the repayment of debt by any provisions of any Acts or Provisional Orders now in force in the borough or by any regulations made thereunder notwithstanding anything contrary to or inconsistent therewith in any such Act order or regulation.

Receipt in case of persons not sui juris.

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

Interest on mortgages held jointly.

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

Scheme for equated periods.

**154.**—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Minister of Health who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and

A.D. 1925.

effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister of Health may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister of Health separate consolidations may be made of all or any of the loans included under such general headings.

(5) The Corporation may with the sanction of the Minister of Health and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister of Health may sanction.

(6) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Application of revenue and payment of expenses of undertakings.

**155.**—(1) Notwithstanding anything contained in any previous enactment all money received by the Corporation on account of the revenue of the following undertakings of the Corporation (namely)—

(*a*) the water undertaking;

(*b*) the tramways undertaking (including the omnibus undertaking);

(*c*) the electricity undertaking;

(*d*) the gas undertaking;

A.D. 1925.

(*e*) the baths undertaking;

(*f*) the markets and fairs undertaking (including the slaughter-house undertaking and the cold stores undertaking);

shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

(2) Any moneys which the Corporation are required or authorised to pay or apply under the following enactments (namely)—

Section 52 (Application of revenue) of the Order of 1890;

So much of section 2 (Incorporation of Electric Lighting (Clauses) Act 1899) of the Order of 1912 as incorporates section 7 of the schedule to the Electric Lighting (Clauses) Act 1899;

Section 32 (Application of tramway revenue) of the Act of 1898 as amended by section 40 of the Act of 1900;

Subsection (3) of this section;

shall for the purposes of subsection (1) of this section be deemed to be payments and expenses made and incurred in respect of the undertaking to which the said enactments respectively relate and any income arising from the investment of any reserve funds authorised under the said enactments shall be deemed to be money received on account of the revenue of the undertaking to which the said enactments respectively relate.

(3) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings referred to in subsection (1) of this section in the provision of funds for working capital Provided that money shall only be so applied after the maintenance working and establishment expenses of the undertaking and the interest and sinking fund payments in respect thereof have been provided for.

Separate accounts to be kept.

**156.**—(1) The Corporation shall keep separate accounts in respect of each of the following undertakings

A.D. 1925.

of the Corporation distinguishing therein capital from revenue (namely)—

(*a*) the water undertaking;

(*b*) the tramways undertaking (including the omnibus undertaking);

(*c*) the electricity undertaking;

(*d*) the gas undertaking;

(*e*) the baths undertaking;

(*f*) the markets and fairs undertaking (including the slaughter-house undertaking and the cold stores undertaking).

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

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

Subscriptions to local government associations and other expenses.

**157.**—(1) The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882—

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

(*b*) The reasonable expenses of the Corporation in providing public entertainments on the occasion

of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

(2) The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary nursing institution or other institution of a similar character such sum or sums as they may from time to time think fit not exceeding in any year the amount which would be produced by the levying of a borough rate of one penny in the pound and to charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues.

Increase of accident fund.

**158.** Section 126 (Power to create accident fund) of the Act of 1908 shall be read and have effect as if the words "eighteen thousand pounds" were therein inserted instead of the words "twelve thousand pounds" wherever such last-named words occur.

## PART XV.

## MISCELLANEOUS.

Service of summons on members of Council.

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

Use of swimming baths in winter.

**160.** The Corporation may from the first day of October to the first day of May close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes free from any restriction contained in the Baths and Washhouses Acts 1846 to 1899 or any Act amending the same.

Power to let recreation grounds &c. to cricket clubs &c.

**161.**—(1) The Corporation may purchase take on lease or acquire land for the purposes of athletic meetings cricket football and other games and for those purposes or any of them may lay out the whole or any portion of any land so purchased taken on lease or acquired or any

A.D. 1925.

portion of any park or place of public resort or recreation set apart by them under the provisions of the Public Health Acts Amendment Act 1907 or the local Acts and may from time to time let to any club company body or persons the whole or any portion of such land or any portion of any park or place of public resort or recreation so set apart by the Corporation and may upon such lands or upon the portions of parks or places of public resort or recreation so set apart erect construct and maintain all proper and convenient houses pavilions dressing-rooms and other buildings works and conveniences Provided that nothing in this subsection shall empower the Corporation to let at one and the same time more than fifty per centum of the total area of the parks or places of public resort or recreation for the time being belonging to them and under their control.

(2) Any lands acquired by the Corporation prior to the passing of this Act for the purposes mentioned in subsection (1) of this section shall be deemed to have been duly acquired by the Corporation under the provisions of this section.

Incorporation of provisions of previous Acts.

**162.** The following provisions of the Act of 1871 the Act of 1889 the Order of 1896 the Act of 1898 the Act of 1900 the Act of 1908 and the Act of 1921 shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say) :—

The Act of 1871—

Section 477 (Regulations as to mortgages) except subsection (2);

Section 478 (Transfers of mortgages);

Section 480 (Power for mortgagees to obtain a receiver) so far as the same is in force and unrepealed;

Section 481 (Accounts open to mortgagees) so far as the same is in force and unrepealed.

The Act of 1889—

Section 58 (Corporation not to regard trusts).

The Order of 1896—

Articles IV. V. and VI.

A.D. 1925.

The Act of 1898—

Section 49 (Lands laid into new streets to be public highways).

The Act of 1900—

Section 33 (Temporary stoppage of streets);
Section 59 (Correction of errors omissions &c.);
Section 61 (Persons empowered by Lands Clauses Acts to sell lands may grant easements &c.);
Section 65 (Owners may be required to sell parts only of certain properties);
Section 67 (Application of borrowed moneys);
Section 70 (Audit of accounts);
Section 72 (Inquiries by Local Government Board).

The Act of 1908—

Section 11 (Temporary discharge of water into streams);
Section 14 (Provisions of sections 162 and 163 of Act of 1871 not to apply to reservoir authorised by this Act);
Section 43 (Power to make subsidiary works);
Section 44 (Power to alter steps areas pipes &c.);
Section 48 (As to assessing purchase money);
Section 49 (Incorporation of sections of Act of 1898 and Act of 1900);
Section 54 (Agreements with landowners);
Section 134 (Protection of lender from inquiry);
Section 136 (Expenses of execution of Act);
Section 142 (Persons acting in execution of Act not to be personally liable);
Section 143 (Informations by whom to be laid);
Section 144 (Damages and charges to be settled by court);
Section 147 (Consent of Corporation to be in writing);
Section 148 (Judges not disqualified);
Section 149 (As to appeal);

A.D. 1925.

Section 150 (As to recovery of penalties);
Section 151 (Saving for indictments &c.);
Section 152 (Compensation how to be determined);
Section 153 (Powers of Act cumulative);
Section 155 (Crown rights).

The Act of 1921—

Section 8 (Extinction of private rights of way);
Section 9 (Compensation in case of recently acquired interest);
Section 16 (Subsidiary works);
Section 76 (Recovery of demands):

Provided that—

(*a*) Any application for a receiver under the said section 480 of the Act of 1871 shall be made to the High Court and the court may appoint a receiver on such terms as they think fit;

(*b*) The said section 33 of the Act of 1900 shall only apply in relation to the provisions of Parts III. IV. and VII. of this Act;

(*c*) For the purposes of such application the said section 65 of the Act of 1900 shall apply in respect of the premises referred to in the Second Schedule to this Act and those premises shall be the scheduled properties within the meaning of that section;

(*d*) The said section 72 of the Act of 1900 shall be read and have effect as if the words "five guineas" were therein inserted in lieu of the words "three guineas";

(*e*) The said section 149 of the Act of 1908 shall only apply in relation to the provisions of Parts VIII. IX. X. and XI. of this Act;

(*f*) The Corporation shall not under any provision incorporated by this section alter divert or remove any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the said Act;

(*g*) The said section 9 of the Act of 1921 shall be read and have effect as if the fifteenth day of November nineteen hundred and twenty-four were referred to therein instead of the twentieth day of November nineteen hundred and twenty. A.D. 1925.

For protection of London Midland and Scottish Railway Company.

**163.** The following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect in relation to the exercise by the Corporation of the powers conferred upon them by Parts II. and III. of this Act (that is to say):—

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not acquire any land belonging to the company except so much thereof as shall be actually necessary for the purposes of Street Work No. 2 authorised by this Act:

(2) The Corporation shall before they commence the construction of so much of Street Work No. 2 by this Act authorised as may in any way affect the railway property or works of the company submit to the principal engineer of the company (hereinafter referred to as "the principal engineer") proper and sufficient plans and sections of the said street work proposed to be carried out by the Corporation for the reasonable approval of the principal engineer and so much of the said street work and all works necessary or incident to the construction thereof as may in any way affect the railway property or works of the company shall be constructed only according to such plans and sections as shall be approved as aforesaid or determined by arbitration under this section and under the superintendence (if given) and to the reasonable satisfaction of the principal engineer and at the costs charges and expenses in all respects of the Corporation:

(3) If the principal engineer shall for the space of one month neglect or refuse to approve the said

A.D. 1925.

plans and sections or shall disapprove the same and in case of the principal engineer and the borough surveyor failing to agree or of any difference arising between them then the said work shall only be constructed according to such plans and sections as shall be determined by the arbitration of an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Apportionment of expenses in case of joint owners.

**164.**—(1) Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners or on behalf or in default of two or more such owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

(2) Section 86 (Apportionment of expense of sanitary works between different owners) of the Act of 1908 is hereby repealed.

Power to enter premises.

**165.** 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 extend and apply to the purposes of Part VIII. (Streets buildings and drains) and Part IX. (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

**166.** If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part VIII. (Streets buildings and drains) and Part IX. (Infectious disease and sanitary provisions) of this Act or under any byelaw made thereunder 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 execute the works required by the

Corporation to be done 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 execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds 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 executing such work.

Summons or warrant may contain several sums.

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

Confirmation of byelaws.

**168.** The provisions of the following sections of the Public Health Act 1875 (namely) :—

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

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 other than byelaws made under Part VII. (Tramways and omnibuses) thereof.

Inquiries by Minister of Transport.

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

A.D. 1925.

Costs of Act.

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

The SCHEDULES referred to in the foregoing Act. A.D. 1925.

## FIRST SCHEDULE.

### RETURN OF RENT OR ANNUAL VALUE AND OF OTHER PARTICULARS TO BE RENDERED UNDER THE BURNLEY CORPORATION ACT 1925.

| | |
|---|---|
| 1. Name of the street or road &c. in which the property is situate - Number of the house - - - (If not numbered state the name by which known.) Whether occupied with or without stables or other premises as part of the same property - - - The quantity of land (if any) and how used - - - - - | |
| 2. Full Christian name and surname of occupier - - - - | |
| 3. Name and address of owner or immediate lessor - - - (If not known state the name and address of the agent or person to whom the rent is paid.) | |
| 4. Whether the property is occupied— (*a*) Wholly as a private residence - - - - - | (*a*) |
| *or* (*b*) Partly as a dwelling-house and partly for trade or business purposes - - - | (*b*) |
| *or* (*c*) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) | (*c*) |
| (*d*) Nature of the business (if any) - | (*d*) |

A.D. 1925.

| | |
|---|---|
| 5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - - - | |
| 6. Amount of rent - - - - - | £ per |
| *or* if ground rent only is paid state its amount - - - - - | £ per |
| 7. Whether the property is held under lease or agreement for a period of years - - - - - - | |
| *or* by the year quarter month or week - - - - - - - | |
| 8. (*a*) Date of commencement of term of lease or agreement - - - | (*a*) |
| (*b*) Term of years for which granted | (*b*) |
| (*c*) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - - (If none insert "None.") | (*c*) Amount paid for lease £ |
| 9. If the occupier is the owner or has purchased the lease the full annual value should be stated *i.e.* the amount at which the property is worth to be let by the year the owner keeping it in repair - - - - - - | Annual value £ |
| 10. (*a*) Amount of land tax (if any) - | (*a*) £ Borne by the |
| (*b*) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 (State in each case whether borne by the landlord or tenant.) | (*b*) £ Borne by the |

| | |
|---|---|
| 11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - - - | |
| 12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - (If each undertakes to bear part only of the cost of repairs state the particulars.) | |

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

## SECOND SCHEDULE.

PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

| Borough. | Numbers on Deposited Plans. |
|---|---|
| Burnley - - - | 14 to 16 18 20 to 22 26 to 29 34 to 37 58 61 63 65 66 73 to 77 80 91 102 105 132. |

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