CHAPTER cxii.

An Act to authorise the Urban District Council of Chiswick to construct street improvements and a river wall and other works to provide motor vehicles to provide for the regulation of the commons and for the extension of the district and to make further and better provision for the improvement and local government of the district and for other purposes. [18th August 1911.] A.D. 1911.

WHEREAS the urban district of Chiswick in the county of Middlesex (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Chiswick Urban District Council (in this Act called "the Council"):

And whereas the Council are the successors of the Chiswick Improvement Commissioners who were incorporated by the Chiswick Improvement Act 1858 which Act incorporated the provisions of the Towns Improvement Clauses Act 1847 and other Acts and conferred various powers on the commissioners for the improvement of the parish of Chiswick:

And whereas it is expedient to empower the Council to construct the street improvements and river wall or embankment referred to in this Act:

And whereas it is expedient that the boundary of the existing district should be extended so as to include part of the adjoining urban district and parish of Old Brentford:

And whereas by a scheme with respect to Chiswick and Turnham Green Commons certified by the Enclosure Commissioners for England and Wales in pursuance of the Metropolitan Commons Acts 1866 and 1869 and confirmed by the Metropolitan

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Commons Supplemental Act 1882 the commons known respectively as Chiswick Common Turnham Green Stamford Brook Common and a certain strip of waste in front of Williams Terrace situate within the district (in the scheme and in this Act referred to as "the commons") were placed under the management of the Chiswick Improvement Commissioners for the district of Chiswick (the predecessors of the Council) in accordance with the provisions of the said scheme:

And whereas the vicar of Christ Church Turnham Green is the owner in fee simple of certain lands bounded on the north side by the high road on the east and south sides by Turnham Green and on the west side by Town Hall Avenue on the northerly part of which lands the erection of a parish hall in connection with the said church is contemplated:

And whereas in the interests of the district it is desirable that the said hall should not be erected on the said lands and it is expedient that the Council and the said vicar respectively should be empowered to effect a mutual exchange on the one hand of certain lands on the south side of the church now forming part of the said Turnham Green and on the other hand of the northerly part of the said lands of the said vicar:

And whereas it is desirable that further and better powers for the management and regulation of the commons should be conferred on the Council and that the Council should be authorised to acquire certain lands adjoining Hartington Road for the purposes of public pleasure grounds:

And whereas it is expedient to authorise the Council to provide and work omnibuses moved by electrical power transmitted thereto from some external source:

And whereas it is expedient to make further provision in regard to the streets and buildings in the district and that the powers of the Council in relation to the health local government and improvement of the district be enlarged as by this Act provided:

And whereas the Council have expended a considerable sum of money in providing an open air public bath and it is desirable that they should be empowered to make reasonable charges for the accommodation so provided and to make regulations with respect thereto as in this Act provided:

And whereas it is expedient that better provision should be made with respect to the collection of local rates and that the office of vestry clerk should be abolished:

And whereas it is expedient that provision should be made for the establishment of a superannuation fund and a pension fund for the officers and servants of the Council:

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 the following adoptive Acts are in force within the district (namely):—

The Infectious Disease (Prevention) Act 1890;
The Baths and Washhouses Acts 1846 to 1899;
The Public Libraries Acts 1892 to 1901;
The Private Street Works Act 1892;
The Public Health Acts Amendment Act 1890;
The Museums and Gymnasiums Act 1891 (for museums only);
The Burial Acts 1852 to 1885 and the Burial Act 1900:

And whereas by an order of the Secretary of State for the Home Department dated the twenty-fourth day of August 1909 certain sections of Part VII. and the whole of Parts VIII. and IX. of the Public Health Acts Amendment Act 1907 were declared to be in force within the district:

And whereas by an order of the Local Government Board dated the twenty-sixth day of October 1909 the whole of Parts II. V. VI. and X. and certain sections in Parts III. and IV. of the Public Health Acts Amendment Act 1907 were declared to be in force within the district subject to certain conditions and adaptations specified in the said order:

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

	£
(*a*) For the purchase of land for and for the construction of the river wall or embankment and the reclamation of land authorised by Part II. of this Act - - -	37,000

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	£
(*b*) For the purchase of land for and for the construction of the street improvements authorised by Part II. of this Act - -	40,000
(*c*) For the provision of trolley vehicles - -	5,000
(*d*) For the provision of electrical equipment and the construction of works necessary in connection with the provision and working of trolley vehicles - - - -	6,000

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

And whereas an absolute majority of the whole number of the Council at a meeting held on the sixteenth day of November nineteen hundred and ten after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Chiswick Times a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas the said resolution was published twice in the Chiswick Express a local newspaper circulating in the district and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the eleventh day of January nineteen hundred and eleven being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and 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 of Middlesex and are in this Act 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 (that is to say):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Chiswick Urban District Council Act 1911.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Street improvements river wall works and lands.

Part III.—Extension of district.

Part IV.—Commons and pleasure grounds.

Part V.—Trolley vehicles.

Part VI.—Streets buildings sewers and drains.

Part VII.—Infectious disease and sanitary provisions.

Part VIII.—Local rates.

Part IX.—Vestry clerk.

Part X.—Superannuation and pensions.

Part XI.—Financial.

Part XII.—Miscellaneous.

Incorporation of Acts.

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

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845).

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

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or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The existing district" means the urban district of Chiswick in the county of Middlesex as it existed immediately prior to the commencement of Part III. of this Act;

"The district" means the existing district as extended and altered by this Act;

"The Council" means the urban district council of the existing district or of the district;

"The clerk" "the medical officer" "the surveyor" and "the inspector of nuisances" mean respectively the clerk the medical officer of health the surveyor and the inspector of nuisances of the district and respectively include any person duly authorised to discharge temporarily the duties of those offices;

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

"The Brentford district" means the urban district of Brentford in the county of Middlesex;

"The Brentford Council" means the urban district council of the Brentford district;

"The added area" means so much of the Brentford district and parish of Old Brentford as is defined in the section of this Act of which the marginal note is "Extension of district and parish of Chiswick";

"The commons" means the commons known respectively as Chiswick Common Turnham Green and Stamford Brook Common situate within the district;

"The recited Acts" means the Acts with respect to commons referred to in the recitals to this Act;

"The vicar" means the vicar for the time being of Christ Church Turnham Green;

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

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

"The tribunal" means the jury arbitrators umpire or other authority to whom any question of disputed purchase money or compensation under this Act is referred;

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

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

"Revenues of the Council" includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council.

Part II.

Street Improvements River Wall Works and Lands.

Power to construct street improvements

5. Subject to the provisions of this Act the Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter

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and river wall.

described in the district together with all necessary or proper works and conveniences connected therewith or incident thereto.

The works hereinbefore referred to and authorised by this Part of this Act are as follows:—

Work No. 1 A widening and improvement at the junction of Heathfield Gardens and Sutton Lane with Wellesley Road and Heathfield Terrace commencing at the north-western angle of the vicarage in Sutton Lane and terminating on the north-eastern side of the vicarage at a point 20 yards or thereabouts from the junction of Heathfield Gardens with Heathfield Terrace:

Work No. 2 A widening and improvement of Heathfield Terrace at its junction with Chiswick High Road commencing at a point 12 yards or thereabouts from the boundary of Chiswick High Road on the western side of property occupied by Henry James Whitman and terminating in the Chiswick High Road on the north-eastern boundary of the same property at a distance of 23 yards or thereabouts from the eastern side of Heathfield Terrace:

Work No. 3 A widening and improvement of the northern side of the Chiswick High Road commencing at a point 25 yards east of the eastern side of Acton Lane and terminating at a point formed by the intersection of the eastern boundary of public footpath opposite Town Hall Avenue with Chiswick High Road:

Work No. 4 A widening and improvement of Sutton Lane commencing at the southern side of Barrowgate Road at a point 20 yards or thereabouts from the eastern side of Sutton Lane and terminating at the north-western corner of the house known as "Little Sutton" at a distance of 20 yards or thereabouts from the southern side of Barrowgate Road:

Work No. 5 A widening and improvement of Sutton Lane on the north-western side commencing at a point 37 yards or thereabouts from the southern side of Dead Donkey Lane and terminating at a point 105 yards or thereabouts from the northern side of Gordon Road:

Work No. 6 A widening and improvement of Burlington Lane on the northern side commencing at the south-eastern boundary of the grounds belonging to Chiswick House

28 yards or thereabouts west of the western side of Paxton Road and terminating at a point 123 yards or thereabouts east of the eastern side of Paxton Road:

Work No. 7 A widening and improvement of Burlington Lane on the northern side commencing at a point 49 yards or thereabouts west of the western side of Devonshire Road and terminating in Devonshire Road at a point 20 yards or thereabouts from the northern side of Burlington Lane:

Work No. 8 A widening and improvement of Fisherman's Place commencing in Church Street at the south-eastern corner of Chiswick Churchyard and terminating in Fisherman's Place at the south-eastern corner of Chiswick Cemetery at a point 93 yards or thereabouts distant from Church Street:

Work No. 9 A widening and improvement on the northern and southern sides of Strand-on-the-Green commencing at the boundary between Chiswick and Brentford and terminating at a point 33 yards or thereabouts east of Hearne Road:

Work No. 10 A widening and improvement of the eastern side of Turnham Green Terrace commencing at a point 65 yards or thereabouts distant from the north side of Chiswick High Road and extending northwards for a distance of 13 yards:

Work B A river wall or embankment with promenade on the foreshore of the River Thames commencing at the south-west corner of the property known as Maynard's Boathouse at Strand-on-the-Green and terminating at the south-east corner of the wharf known as the Indian Queen Wharf belonging to the Council at Strand-on-the-Green.

Period for completion of improvements and embankment.

6. The river wall or embankment (Work B) authorised by this Act shall be completed within ten years from the passing of this Act and the other works authorised by this Part of this Act shall be completed within five years from the passing of this Act and on the expiration of those periods respectively the powers by this Act granted to the Council for executing the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

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Subsidiary works.

7.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Council may in connection with the works authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to such works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Council providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that—

(*a*) Nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the former Act apply except in accordance with and subject to the provisions of that section:

(*b*) The Council shall not alter divert or otherwise interfere with any pipe wire or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to take lands.

8. Subject to the provisions of this Act the Council may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the construction of the works authorised by this Part of this Act or for the purpose of providing space for the erection of buildings adjoining or near to such works or for other the purposes of this Part of this Act.

Period for compulsory purchase of lands.

9. The powers of the Council 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.

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Correction of errors &c. in deposited plans and book of reference.

10. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the district for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Middlesex and a duplicate thereof shall also be deposited with the clerk and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Owners may be required to sell parts only of certain lands and buildings.

11.—(1) Whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(*a*) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Council or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(*b*) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Council that he alleges that such

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portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(*c*) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council have compulsory powers of purchase) can be so severed:

(*d*) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Council the portion which the tribunal shall have determined to be so severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(*e*) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(*f*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat

cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(*g*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 (No party to be required to sell part of a house) of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed upon every notice given thereunder to sell and convey any premises.

Provisions as to compensation.

12. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the first day of January nineteen hundred and eleven if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act.

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Costs of arbitration &c. in certain cases.

13.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council had been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section.

Power to purchase additional lands by agreement.

14. The Council in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Council in pursuance of this section shall not at any time exceed five acres Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands.

Persons under disability may grant easements &c.

15. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over

or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to retain sell &c. lands.

16. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of sale of surplus lands.

17. So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on resale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board Provided that—

(1) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase:

(2) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

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Limits of deviation.

18. In the construction of the works authorised by this Part of this Act the Council may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding in the case of Work B five feet either upwards or downwards and in the case of the remainder of the works two feet either upwards or downwards.

Temporary stoppage of streets.

19.—(1) The Council during the execution and for the purposes of any works authorised by this Act may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same.

(2) The Council shall provide reasonable access for persons bonâ fide going to or returning from any such house.

Power to stop up footpaths on lands for Work No. 3.

20. When the Council have acquired the lands within the limits of deviation shown on the deposited plans for Work No. 3 by this Act authorised they may stop up the footpaths or portions of footpaths passing over such lands and thereupon all public rights of way over such footpaths or portions of footpaths shall be extinguished but such footpaths or portions of footpaths shall not be stopped up unless the Council are owners in possession of all houses and lands on both sides thereof except so far as the owners lessees and occupiers of those houses and lands may otherwise agree.

Various provisions as to river wall or embankment and promenade.

21.—(1) In constructing the river wall or embankment and promenade by this Act authorised the Council may subject to the provisions of this Act construct such steps piers landing stages and other works in connection with the said embankment as they may deem necessary or convenient.

(2) The Council may subject as aforesaid for the purposes of the said embankment and promenade take and use so much of the foreshore of the River Thames as is within the limits of deviation and of land to be acquired shown on the deposited plans and which may be required for such purposes and they may also for purposes of making temporary works and conveniences in connection with the said embankment and promenade occupy and use temporarily so much of the bed or foreshore of the River Thames within the said limits as may be required for those purposes or any of them.

(3) Subject to the provisions of this Act for the purposes of constructing maintaining renewing and repairing the said embankment and promenade the Council may alter or interfere with the bank bed or foreshore of the River Thames at or near the said embankment and may place temporarily coffer dams and piles and may erect such temporary piers landing places staging and other works in upon or over the river or the bed or foreshore thereof as may be necessary or convenient for any of the purposes aforesaid.

For protection of Port of London Authority.

22. For the protection of the Port of London Authority (in this section called "the port authority") the following provisions shall unless otherwise agreed between the Council and the port authority have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Council shall not be entitled to construct the river wall or embankment (Work B) described in the section of this Act the marginal note of which is "Power to construct street improvements and river wall" on the line shown upon the deposited plans but such work shall be executed on the line shown on the plan (hereinafter referred to as "the signed plan") of which four copies have been signed by Norval Watson Helme the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Parliament Office of the House of Lords one copy in the Private Bill Office of the House of Commons one copy at the office of the port authority and one copy at the offices of the London and South Western Railway Company) and in constructing such works the Council shall not be entitled to deviate from the line as shown on the signed plan or from the levels as shown upon the deposited sections:

(2) The Council shall be entitled to erect and provide a ferro concrete structure as a fender sheathed with wood on the outside for the protection of the northern iron cylinders supporting the railway bridge belonging to the London and South Western Railway Company over the River Thames and such work shall be

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executed in accordance with the signed plan and in constructing the last-mentioned work the Council shall in all respects be subject to the provisions hereinafter contained in this section and shall acquire from the port authority the necessary easement for such work:

(3) The Council shall not enter upon take or use any part of the bed or foreshore of the river without the consent in writing of the port authority and the Council shall not execute or commence to execute any work whether permanent or temporary in the River Thames or on or under the bed shores or banks thereof except in accordance with plans elevations and sections to be approved by the port authority in writing under the hand of their secretary and deposited at their office and all such works shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the port authority and so that the traffic on the said river shall not be interfered with:

(4) The river wall and embankment (Work B) and the ferro concrete fender shall be so constructed as to permit of any dredging or other operations by the port authority for the improvement or maintenance of the navigation or the exercise by the port authority of any other powers vested in them and notwithstanding anything contained in the Port of London Act 1908 the port authority shall not be liable to the Council in respect of any damage which may result to the river wall or embankment or other works by this Act authorised by reason of such operations or the exercise of such powers:

(5) The Council shall in connection with Work B provide in a position to be approved by the port authority a crane gridiron and other facilities of equal value and utility to those now existing at their works at Strand-on-the-Green and shall provide and construct opposite thereto an open space and steps to the satisfaction of the port authority immediately in front of the river wall and embankment giving access to the river:

(6) Notwithstanding anything contained in this Act or in the Acts incorporated herewith compensation or

consideration shall be payable to the port authority in respect of the lands taken or easements acquired under the powers of this Act and in respect of permanent or temporary works by this Act authorised in the River Thames or on or under the bed or shores thereof and shall be assessed in accordance with the provisions of section 116 of the Thames Conservancy Act 1894 or any statutory provision in lieu thereof for the time being in force And the provisions of the sections of this Act the marginal notes whereof respectively are "Provisions as to compensation" and "Costs of arbitration &c. in certain cases" shall not apply in the case of the port authority or their property:

(7) The Council shall not take any gravel soil or other material from the bed or shores of the River Thames without the previous consent of the port authority signified in writing under the hand of their secretary:

(8) The Council shall during the construction of any works whether temporary or otherwise and so long as any such works are maintained on the bed shores or banks of the River Thames if so required by the port authority hang out and exhibit at or near to the said works every night from sunset to sunrise lights to be kept burning by and at the expense of the Council and proper and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Council in such manner and be of such kind and number and be so placed and used as the port authority by writing under the hand of their secretary or other authorised officer shall approve or direct and in case the Council fail so to exhibit and keep burning the lights they shall for every such offence be liable to a penalty not exceeding ten pounds:

(9) The works when commenced shall be proceeded with and completed as early as practicable and the Council shall upon reasonable notice in writing from the port authority so to do remove any temporary works and materials for temporary works which may have been placed in the River Thames by the Council

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and which are no longer in use and in any event within the period by this Act prescribed for the completion of Work B by this Act authorised the Council shall remove all such works and materials and on the Council failing to comply with the provisions of this subsection the port authority may remove such works and materials charging the Council with the expense of so doing and the Council shall forthwith repay to the port authority all expenses so incurred:

(10) Nothing in this Act shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the port authority or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of this Act the port authority did or might lawfully claim use or exercise under and by virtue of the Port of London Act 1908 or otherwise.

For protection of London and South Western Railway Company.

23. For protection of the London and South Western Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the Council and the company apply and have effect (that is to say):—

(1) In constructing the river wall or embankment (Work B) authorised by this Act the Council shall erect and provide a ferro concrete structure as a fender sheathed with wood on the outer side for the protection of the northern iron cylinders supporting the bridge belonging to the company over the River Thames Such fender shall be constructed in accordance with the plan and section referred to in the section of this Act of which the marginal note is "For protection of Port of London Authority" and shall be completed and for ever afterwards maintained by the Council to the reasonable satisfaction of the company:

(2) The Council shall so construct maintain and use the said river wall or embankment (Work B) and fender (in this section called "the said works") as not to

injuriously affect any such railway bridge or other work and in the event of any injury being occasioned to such railway bridge or work by the construction maintenance user or removal of the said works the company may make good the injury and may recover from the Council the reasonable expenses of so doing:

(3) The Council shall on demand pay to the company any extra cost the company may incur in maintaining their works owing to the construction or maintenance of the said works and also the expense of superintending lighting and watching the works of the company during the execution or repair by the Council of the said works affecting any railway bridge or other work belonging to the company for the purpose of preventing interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person in the employ of either of them or otherwise:

(4) Nothing in this Act contained or in any Act incorporated therewith shall prejudice the right of the company to enter at any time upon any land in the parish of Chiswick for the purposes of examination maintenance or reconstruction of the bridge carrying the Kensington and Richmond Railway over the River Thames:

(5) The Council shall not in any manner in the execution maintenance user or repair of the said works obstruct or interfere with the free uninterrupted and safe user of any railway bridge or other work belonging to the company or any traffic thereon:

(6) The Council shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of the works by this Act authorised or any of them or by or by reason of any act default or omission of the Council or of any person in their employ or of any contractors

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for the said works or any part thereof and the Council shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission:

(7) Any difference between the Council and the company arising under this section shall be referred to an arbitrator to be appointed by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to such reference.

Land for parks and pleasure grounds.

24. The Council may acquire lay out maintain and use the lands described in subsection (2) of the section of this Act of which the marginal note is "Various provisions as to river wall or embankment and promenade" and the lands containing 12 acres or thereabouts and situate to the north-west of the Ibis Boat House and being delineated and numbered 178 on the deposited plans as and for and the same shall be deemed to be parks or pleasure grounds within the meaning of the Public Health Acts, and the provisions of those Acts shall apply accordingly.

PART III.

EXTENSION OF DISTRICT.

Commencement of this Part of Act.

25. 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 first day of April one thousand nine hundred and twelve and that date is in this Act referred to as "the commencement of this Part of this Act":

Provided that for the purpose of the preparation of any contribution order and for all purposes preliminary or relating to any election for the areas affected by this Part of this Act this Act shall so far as may be necessary be deemed to have taken effect from the date of the Royal Assent to the Act.

Extension of district and parish of Chiswick.

26.—(1) The boundary of the existing district and of the parish of Chiswick is hereby extended so as to include (and the district and parish shall accordingly include in addition to the existing district and parish) so much of the Brentford district and parish of Old Brentford as is coloured pink on the map

referred to in the section of this Act the marginal note whereof is "Deposit of map of extended district."

(2) The added area shall for all purposes including the election of county councillors and guardians form part of the district and parish of Chiswick and all the rights privileges benefits and advantages enjoyed by the ratepayers or inhabitants of the existing district are hereby extended to and may be enjoyed by the inhabitants of the added area.

(3) The added area shall cease to form part of the Brentford district and parish of Old Brentford.

Deposit of map of extended district.

27. A map of the district as extended by this Act has been signed in triplicate by Norval Watson Helme the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (in this Act called "the district map") 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 clerk at his office and copies thereof certified by the clerk shall be sent as soon as may be to the Local Government Board to the Board of Trade to the Commissioners of Customs and Excise to the Board of Agriculture and Fisheries to the Inland Revenue Department to the Registrar General to the clerk to the county council of Middlesex and to the clerk to the Brentford Council.

Copies of map to be evidence.

28. Copies of or extracts from the district map deposited with the 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 such map so far as it relates to the boundary of the district and such map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the district and any such person shall be entitled to a copy of or extract from such map certified by the clerk to be true on payment of a reasonable fee to be demanded by the Council All fees so received shall be carried to the credit of the district fund.

Extension of ward.

29.—(1) The added area shall be annexed to and form part of the Grove Park ward of the existing district for all purposes including the election of county councillors and guardians and all persons who immediately prior to the commencement of this Part of this Act were county or district councillors or guardians representing that ward shall continue to represent it

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as if they had been originally elected to represent the ward as extended by this Act Provided that nothing in this Act shall take away or affect the power to alter the number or boundaries of the wards of the district under the provisions of the Local Government Act 1888 or any Act amending that Act.

(2) After the expiration of the respective terms of office of the said councillors and guardians all future councillors and guardians for the said ward respectively shall be elected and hold office for the said ward as extended by this Act.

(3) Nothing in this Act shall take away or affect the powers of the Local Government Board under any Act of Parliament relating to the election of guardians.

Registers and lists of electors &c.

30.—(1) For the purposes of the registers of county and parochial electors and of jury and other lists and all matters in relation thereto the added area shall be deemed to have always been part of the district and anything required to be done in connection with the purposes aforesaid before the date of the passing of this Act may in so far as the same relates to the added area be done as soon as practicable after such date and if so done shall have full force and effect.

(2) In making out revising or otherwise dealing with the said registers and lists effect shall be given so far as the circumstances require or allow to the provisions of this Act.

(3) Where any difficulty in giving effect to the provisions of this Part of this Act can be obviated or removed by any alteration in or re-arrangement of or any other action affecting the said registers or lists such alteration re-arrangement or action so far as the same may be necessary for giving effect to the said provisions shall be made or taken by the clerk to the county council of Middlesex and the overseers of the poor shall render such assistance as may be requisite for the purpose of such alteration re-arrangement or action by the clerk to the county council and such alteration re-arrangement or action shall be deemed to be authorised by the provisions in force with respect to such registers and lists.

(4) Where in the opinion of the Local Government Board the circumstances so require the Local Government Board may make such order as appears to them to be necessary to give effect to the provisions of this Act and may vary so far as is

requisite the provisions in force with regard to such registers and lists. A.D. 1911.

(5) For the purposes of the said registers and lists the parishes affected by this Act shall be deemed to continue unaltered until the new registers and lists come into operation.

Council property &c.

31. All property vested in the Council at the commencement of this Part of this Act for the benefit of the existing district shall be held by the Council for the benefit of the district and the Council shall hold enjoy and exercise for the benefit of the district all the powers which at the date aforesaid are exerciseable by or vested in the Council for the benefit of the existing district and all liabilities which on the date aforesaid attached to the Council in respect of the existing district shall from and after that date attach to them in respect of the district.

Mortgage debts of district.

32. So much of any sums borrowed by the Council as shall at the commencement of this Part of this Act be owing and charged on the district fund and general district rate of the existing district shall be charged upon the district fund and general district rate of the district and all such sums shall together with the interest to accrue due thereon be repaid by the Council within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Acts and Orders.

33. The provisions of any general Act (adoptive or otherwise) and of any local Acts and of any Provisional Orders confirmed by Parliament and of any orders made by the Local Government Board or other government department affecting the existing district or the Council as the same respectively are in force within the existing district at the commencement of this Part of this Act shall extend and apply to the district and any reference therein to the existing district and the Council shall be deemed to refer to the district and the Council.

Byelaws.

34.—(1) All byelaws and regulations and every list of tolls and table of fees and payments and scale of charges made by the Council whether as sanitary authority education authority or otherwise which at the commencement of this Part of this Act are in force in the existing district shall thenceforth apply to the district until or except in so far as any such byelaws or

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regulations or list of tolls or table of fees and payments or scale of charges may be altered or repealed.

(2) All byelaws and regulations made by the Brentford Council and in force immediately before the commencement of this Part of this Act in the added area shall on that date cease to be in force except as regards any work commenced before that date or any work for which plans shall have been approved before that date or shall have been sent to the surveyor or clerk to the Brentford Council one month at least before that date and shall not have been disapproved by that Council and as regards any such work as aforesaid the byelaws in force immediately before the commencement of this Part of this Act shall continue to apply until the completion of such work in like manner and with the like effect as if such byelaws and regulations had been made by the Council and as if the Council of the district the clerk surveyor medical officer or other officer of the district were referred to therein instead of the Brentford Council the Brentford district the clerk surveyor medical officer or other officer of the Brentford district respectively Provided that any proceedings which might have been taken by the Brentford Council against any person for any offence committed before the commencement of this Part of this Act against any byelaws then in force may be taken by the Council as if those byelaws and regulations had remained in force and the Council had been substituted therein for the Brentford Council.

Clerk and other officers continued.

35. The clerk and all other officers and servants of the Council of the existing district who hold office at the commencement of this Part of this Act shall continue to be the clerk and officers and servants of the Council of the district and shall hold their offices by the same tenure as at that date.

Relations with Brentford Council.

36. Subject to the provisions of this Act—

(1) All property and liabilities which immediately before the commencement of this Part of this Act are vested in or attach to the Brentford Council in relation exclusively to any part of the added area shall by virtue of this Act be transferred to vested in and attach to the Council as urban sanitary authority:

(2) The Brentford Council shall cease to exercise any powers or have any duties within any part of the added area:

(3) All arrears of rates made for the purposes of the Public Health Acts or for highway expenses which at the commencement of this Part of this Act are due or owing in respect of hereditaments in the added area may be collected and recovered by the Brentford Council as if this Act had not been passed and when collected and recovered shall belong to the Brentford Council:

(4) Any balance and any other moneys in the hands of the overseers of the parish of Old Brentford at the commencement of this Part of this Act shall be devoted to the purposes for which and paid to the authorities for whom the same were respectively raised:

(5) The Council shall for a period of twenty-five years pay to the Brentford Council by way of adjustment of all financial relations and in settlement of all questions affecting them respectively arising out of or in consequence of the extension of the existing district or the provisions of this Part of this Act the sum of sixty-two pounds yearly by equal half-yearly payments on every first day of April and first day of October the first of such payments to be made on the first day of October one thousand nine hundred and twelve and the last of such payments to be made on the first day of April one thousand nine hundred and thirty-seven.

Saving for contracts &c.

37. Anything duly done or suffered and all contracts deeds bonds agreements and other instruments (subsisting at the commencement of this Part of this Act) entered into or made by the Brentford Council or their predecessors in relation exclusively to any part of the added area shall be of as full force and effect against or in favour of the Council and may be continued and enforced as fully and effectually as if instead of the Brentford Council or their predecessors the Council had done or suffered the same or been a party thereto.

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Actions &c. not to abate.

38. If at the commencement of this Part of this Act any action or proceeding or any cause of action or proceeding is pending or existing by or against the Brentford Council in relation exclusively to any part of the added area the same shall not be in any wise prejudicially affected by reason of the passing of this Part of this Act but may be continued prosecuted and enforced by or against the Council.

County rate basis.

39.—(1) Subject to any future revision thereof the basis or standard of the county rate shall be deemed to be altered from the date of the commencement of this Part of this Act by the deduction and addition from and to the amounts respectively appearing in that basis or standard for the parishes of Old Brentford and Chiswick of such an amount as in relation to the amount appearing in the said basis or standard as the total annual value of the parish of Old Brentford is in the same proportion as the assessable value of the properties in the added area bears to the total assessable value of property in the last-named parish.

(2) For the purposes of this section assessable value means one half of the rateable value according to the valuation list for the time being in force of the agricultural land together with the rateable value according to that list of the buildings and other hereditaments not being agricultural land in the existing parish of Old Brentford or in the added area as the case may require.

Status and irremovability of paupers.

40. For any purposes connected with the settlement and removal of the poor in relation to cases affected by this Act the following provisions shall have effect (that is to say):—

(1) Every person who on the commencement of this Part of this Act has acquired or is in the course of acquiring a settlement in the existing parish of Chiswick or in the existing parish of Old Brentford 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—

(*a*) In the existing parish of Chiswick; or

(*b*) In the added area;

shall be deemed to have acquired or to be in the course or acquiring a settlement in the parish of

Chiswick as if the existing parish of Chiswick and the added area were and had always been one parish:

(2) Every person who on the commencement of this Part of this Act has acquired or is in the course of acquiring a status of irremovability from the Brentford Union by reason of residence whether—

(*a*) In the existing parish of Chiswick; or

(*b*) In the added area;

shall be deemed to have acquired or to be in the course of acquiring a status of irremovability by reason of residence in the parish of Chiswick.

Saving for contribution orders and precepts.

41. Notwithstanding the alteration effected in the areas of parishes by this Act all precepts contributions orders or rates made before the commencement of this Part of this Act shall be as valid in law and may be enforced collected and recovered as if this Act had not been passed.

Saving for parliamentary divisions ecclesiastical divisions and charities.

42. Nothing in this Act shall be deemed to alter the boundaries of any parliamentary district as existing at the passing of this Act or shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment which now is applicable for the benefit of either of the existing parishes affected by this Act.

Valuation lists.

43. Until new valuation lists are in force the portion of the valuation list of the existing parish of Old Brentford which relates to hereditaments in the added area shall be deemed to form part of the valuation list of the parish of Chiswick and the remaining portion of the valuation list of the existing parish of Old Brentford shall be deemed to be the valuation list of the parish of Old Brentford.

PART IV.

COMMONS AND PLEASURE GROUNDS.

Provisions as to management and regulation of commons.

44.—(1) The commons shall be deemed to be parks or pleasure grounds within the meaning of the Public Health Acts and the provisions of those Acts shall apply thereto accordingly.

(2) Not less than one acre of Chiswick Common shall be set apart as playground for children.

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(3) The Council may (notwithstanding anything in the recited Acts contained or otherwise) fence in with open iron fencing and enclose the commons or any part thereof and thereafter any public rights of way over the commons or any part thereof so fenced in and enclosed shall cease and be extinguished Provided that any existing footpaths (subject as in this Act hereinafter provided) shall be kept open for use by the public at any time when the commons or any part thereof as shall be so fenced in and enclosed shall be open to the public.

As to exchange of lands at Turnham Green Common.

45.—(1) The Council and the vicar respectively are hereby respectively authorised and empowered to effect a mutual exchange of the two plots of land shown on the plan of which four copies have been signed by Norval Watson Helme the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which one copy has been deposited in the Private Bill Office of the House of Commons and one copy in the Office of the Clerk of the Parliaments in the House of Lords and one copy has been retained by the Council and one copy by the vicar) and thereon respectively coloured pink and green the former of such plots of land now forming part of the Turnham Green Common and the latter now belonging to and vested in the vicar and for this purpose to execute and complete a deed of mutual conveyance.

(2) From and after the execution of the said deed the public rights of way over the footpath leading from Town Hall Avenue to Heathfield Terrace and marked on the said plan "Footpath to be closed" shall cease and be determined and the footpath closed and stopped up and the provisions of the recited Acts and this Act shall cease to apply to the said land coloured pink and the same shall vest in the vicar freed and discharged from all other rights or claims in respect thereof and the said land coloured green shall vest in the Council and shall be and form part of the commons and be subject to the provisions of the recited Acts and this Act.

(3) From and after the closing of the footpath as in the preceding subsection of this section provided the Council shall erect and maintain gates at the termination of such footpath at Heathfield Terrace and also at a point on Town Hall Avenue at or near to the south-west corner of the said land coloured pink.

Part V.

Trolley Vehicles.

Incorporation of certain provisions of Tramways Act 1870 in this Part of Act.

46. The following provisions of the Tramways Act 1870 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 Part of this Act (that is to say):—

Section 3 Interpretation of terms;

Part II. Relating to the construction of tramways (except sections 22 25 28 and 29);

Section 46 Byelaws by local authority—Promoters may make certain regulations;

Section 47 Penalties may be imposed in byelaws;

Section 48 Power to local authority to license drivers conductors &c.;

Section 49 Penalty for obstruction of promoters in laying out tramway;

Section 51 Penalty on passengers practising frauds on the promoters;

Section 52 Transient offenders;

Section 53 Penalty for bringing dangerous goods on the tramway;

Section 55 Promoters or lessees to be responsible for all damages;

Section 56 Recovery of tolls penalties &c.;

Section 61 Power for local or police authorities to regulate traffic in roads;

Section 63 Regulating inquiries before referee appointed by the Board of Trade:

Provided that the said provisions so incorporated with this Part of this Act shall be read and have effect as if the works to be constructed in the streets for moving trolley vehicles by electrical power were tramways and as if trolley vehicles were carriages used on tramways.

Power to provide and work trolley vehicles.

47.—(1) At any time after the first day of January 1913 the Council may with the consent of the Board of Trade provide maintain and equip but shall not manufacture mechanically propelled vehicles adapted for use upon roads and moved by

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electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") and may use the same upon the route in the district in this section hereinafter mentioned and may place erect and maintain in and along the streets and roads forming such route cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working trolley vehicles.

(2) The route in this section hereinbefore referred to commences in the High Road at the northern end of Chiswick Lane passes along Chiswick Lane Mawson Lane the southern end of Devonshire Road Burlington Lane the southern portion of Sutton Court Road Fauconberg Road and Sutton Lane and terminates in the High Road at the northern end of Sutton Lane.

Trolley vehicles not to be deemed light locomotives or motor cars.

48. Subject to the provisions of this Act trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 save and except sections 1 and 6 of that Act and neither the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles.

Duties on licences for trolley vehicles.

49. Nothing in this Act shall in any way affect the duties of Excise now payable by law on licences to be taken out for trolley vehicles as carriages or light locomotives or hackney carriages.

Approval of trolley vehicles by Board of Trade.

50.—(1) Trolley vehicles and the electrical equipment thereof shall be of such form construction weight and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Council which does not comply with the requirements of the Board of Trade.

(2) No post or other apparatus shall be erected on the carriageway of any street except with the consent of the Board of Trade.

Provisions as to motive power.

51. The trolley vehicles may be moved by electrical power subject to the following provisions (that is to say):—

(1) The electrical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use of electrical power on the trolley vehicles and for regulating the use of electrical power:

(3) The Council or any company or person using any electrical power for the trolley vehicles contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(*a*) That the Council or any company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(*b*) That the use of electrical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Council or such company or person to cease to use such electrical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Council or such company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special provisions as to use of electrical power.

52. The following provisions shall apply to the use of electrical power for the trolley vehicles unless such power is entirely contained in and carried along with the carriages:—

(1) The Council shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Council shall take all reasonable precautions in constructing placing and maintaining their electric

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lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The Council shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Council either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(5) At the expiration of two years from the commencement of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been

taken to prevent injurious interference therewith and with the currents therein by or from other electric currents: A.D. 1911.

(6) If any difference arises between the Council and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(7) The expression "Council" in this section shall include lessees licencees and any person owning working or running the trolley vehicles.

For protection of Postmaster-General.

53. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Part of this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection of Post Office telegraph lines.

54. In the event of any of the trolley vehicles being worked by electricity the following provisions shall have effect:—

(1) The Council shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Council as to compliance with this subsection shall be determined by arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Council

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of their electric lines and works or by the working of the undertaking of the Council the Council shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) Before any electric line is laid down or any act or work for working the trolley vehicles by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Council or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Council and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Council as to any requirements so made shall be determined by arbitration:

(4) In the event of any contravention of or wilful non-compliance with this section by the Council or their agents the Council shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

(5) Provided that nothing in this section shall subject the Council or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the

execution thereof stating the reason for doing or executing the same without previous notice: A.D. 1911.

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(7) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Council or their agents were a company within the meaning of that Act:

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Council by indictment action or otherwise in relation to any of the matters aforesaid:

(11) In this section the expression "the Council" includes their lessees and any person owning working or running the trolley vehicles.

Use of posts by Postmaster-General.

55.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Council in connection with the trolley vehicles and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from

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time to time to alter any telegraph so supported subject to the following conditions:—

(*a*) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the trolley vehicles:

(*b*) The Postmaster-General shall give to the Council not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:

(*c*) Unless otherwise agreed between the Postmaster-General and the Council the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Council or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

(*d*) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:

(*e*) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(*f*) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:

(*g*) The Postmaster-General shall make good to the Council and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Council their officers or servants:

(*h*) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Council and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Council or failing agreement determined as hereinafter provided:

(*i*) The Council shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicles or by any accident arising thereon or by the authorised use by the Council of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Council their officers or servants:

(*j*) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-

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eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Council the value of the same Provided that if the Council or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Council from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with the trolley vehicles or other undertakings or shall take away any existing right of the Council of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Council" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

Electrical power works.

56. For the purpose of working any of the trolley vehicles by electrical power the Council subject to the provisions of this Act may place construct erect lay down make and maintain on above or below the surface of any street or road posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings.

Attachment of brackets to buildings.

57. The Council may with the consent of the owner of any building attach to that building such brackets wires and

apparatus as may be required for the working of any of the trolley vehicles by electrical power: A.D. 1911.

Provided that—

(1) Where in the opinion of the Council any consent under this section is unreasonably refused they may appeal to a petty sessional court 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 petty sessional court under this section shall not have effect after that 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 Council notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

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

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

Byelaws.

58. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the trolley vehicles for which electrical power may be used for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the vehicles:

For providing that the vehicles shall be brought to a stand at the intersection of cross streets or roads and at such

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places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety:

For regulating the entrance to exit from and accommodation in the trolley vehicles and the protection of passengers from the machinery used for drawing or propelling such carriages:

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the said trolley vehicles by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this section shall be liable to a penalty not exceeding forty shillings.

Power to council to work trolley vehicles.

59. The Council may work and may demand and take tolls and charges in respect of the trolley vehicles and in respect of the use of such trolley vehicles and may provide such garages sheds buildings carriages trucks machinery apparatus cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient housing storage or protection and working or user by electrical power of the trolley vehicles and for any such purpose may purchase by agreement and hold lands.

Amendment of Tramways Act 1870 as to byelaws by local authority.

60. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling by means of the trolley vehicles shall not authorise the Council to make any byelaws sanctioning a higher rate of speed then that authorised by the Board of Trade regulations but such byelaws may be made to restrict the rate of speed to a lower rate than that so authorised.

Regulations.

61. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any of the trolley vehicles be made by the Council alone.

Power to carry passengers and parcels.

62. Trolley vehicles may be used for the carriage of passengers and of parcels not exceeding fifty-six pounds in weight but the Council shall not be under any obligation to

carry unless they think fit any parcels other than personal luggage carried by passengers in accordance with the provisions in this Act hereinafter contained. A.D. 1911.

Rates for passengers.

63. The Council may demand and take for every passenger travelling upon the trolley vehicles including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed to be a mile but in no case shall the Council be bound to charge a less sum than one penny:

Provided that the Council may appoint stages for the trolley vehicles each of not less than half a mile in length and may demand and take from every passenger travelling upon the trolley vehicles including every expense incidental to the conveyance of such passenger any fare not exceeding one penny for any two consecutive stages or portion thereof travelled.

Prohibiting raising of fares on Sundays and holidays.

64. It shall not be lawful for the Council or any person working or using the trolley vehicles to take or demand on Sunday or on any bank or public holiday any higher fares or charges than those levied by them on ordinary week days.

Passengers' luggage.

65. Every passenger travelling upon the trolley vehicles may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Cheap fares for labouring classes.

66.—(1) The Council at all times after the opening for public traffic of the trolley vehicles shall and they are hereby required to run a proper and sufficient service of trolley vehicles for the use of artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such artisans mechanics and daily labourers going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Council in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

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(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Council to provide such service as may appear to the Board to be reasonable.

(3) The Council shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Rates for parcels.

67. The Council may demand and take in respect of parcels conveyed by them on the trolley vehicles including every expense incidental to the conveyance any rates or charges not exceeding those following (that is to say):—

Any distance.

	s.	*d.*
For any parcel not exceeding seven pounds in weight - - - - - -	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - -	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight -	0	7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight -	0	9

Payment of rates and charges.

68. The rates and charges by this Act authorised shall be paid to such persons and at such places upon or near to the trolley vehicles and in such manner and under such regulations as the Council or the persons entitled to demand and take such rates and charges may appoint.

Council may use trolley vehicles for sanitary purposes.

69. The Council may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to the trolley vehicles) use the trolley vehicles for sanitary purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Council free of all tolls and charges in respect of such use.

Shelters or waiting rooms.

70. The Council may after consultation with the commissioner of police of the metropolis and having due regard to the convenience of the general traffic erect and maintain sheds or shelters or waiting rooms for the accommodation of passengers on the trolley vehicles and of the Council's servants and the Council may in the district use for the purpose of the said

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sheds or shelters portions of the public streets in or near to which they are authorised to run trolley vehicles.

Conveyance of mails.

71. The Council shall perform in respect of the trolley vehicles all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

Penalty for malicious damage.

72. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the trolley vehicles anything which is calculated to obstruct or interfere with the working of such trolley vehicles or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds.

Trolley vehicle undertaking accounts and revenue.

73.—(1) The Council shall keep accounts in respect of their trolley vehicle undertaking separate from all their other accounts (distinguishing therein capital from income) and shall apply the revenue of such undertaking as follows (that is to say):—

(Firstly) In payment of the working and establishment expenses and costs of management and maintenance of the undertaking;

(Secondly) In providing the moneys required to pay the interest on moneys borrowed by the Council for the purposes of the undertaking;

(Thirdly) In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

(Fourthly) In extending and improving (if the Council think fit) the undertaking;

(Fifthly) In providing a reserve fund by setting aside such sum as the Council shall think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed shall amount to the maximum reserve fund for the time being prescribed by the Council

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which fund shall be applicable as the Council think fit in meeting expenses caused by accidents and other contingencies or to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim demand or expenditure in respect of the undertaking or to the cost of renewing any part of the undertaking and so that if the fund shall at any time be reduced it may thereafter be again restored to the limit hereinbefore prescribed and so from time to time as often as such reduction shall happen:

Provided that the Council may resort to the said reserve fund for the above purposes notwithstanding that the same may not at any time amount to the limit hereinbefore prescribed:

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

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

Orders and byelaws to be signed &c.

74. All orders regulations and byelaws made and certificates given by the Board of Trade under the authority of this Act or the Tramways Act 1870 shall be signed by a secretary or an assistant secretary of the Board.

Working agreements.

75.—(1) The Council on the one hand and the London United Tramways Limited on the other hand may enter into agreements with respect to the following purposes or any of them (that is to say):—

(A) The provision electrical equipment maintenance management and repair of the trolley vehicles by this Act authorised;

(B) The use working and leasing of any such trolley vehicles and the conveyance of traffic thereon;

(C) The supply of electrical energy for working any such trolley vehicles;

(d) The interchange accommodation conveyance transmission and delivery of traffic arising from or destined for the respective undertakings of the contracting parties;

(e) The payment collection and apportionment of tolls rent or other receipts arising upon such respective undertakings:

Provided that every such agreement and any lease made in pursuance thereof shall be terminable by any party thereto at the expiration of any term therein specified not exceeding twenty-one years from the date thereof but may be renewed for a like term at the expiration of any such term and of every subsequent term for which the same may from time to time be renewed.

(2) The Council on the one hand and any company having power to supply electrical energy within the district on the other hand may enter into agreements for and with respect to the supply of electrical energy for the purpose of working the trolley vehicles.

Provisions as to arbitration.

76. Where under the provisions of the Tramways Act 1870 or this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade unless otherwise provided the provisions of the Arbitration Act 1889 shall apply to every such arbitration as if the arbitration were pursuant to a submission.

Board of Trade may authorise new routes.

77.—(1) If at any time hereafter the Council desire to use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets or roads hereinbefore specified) they may make application to the Board of Trade and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any route or routes within the district to which such application relates.

(2) No such application shall be entertained by the Board of Trade unless the Council shall—

(*a*) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the district;

(*b*) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in

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each of the several streets or roads in which such application relates a notice of their intention to make such application and each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry to be held in the district in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Part of this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a select committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act:

The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(7) The making of a Provisional Order under this section shall be primâ facie evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(8) Any expenses incurred by the Board of Trade in connection with the preparation and making of any such Provisional

Order and any expenses incurred by the Board of Trade in connection with any inquiry under this section shall be paid by the Council.

(9) Provided that any Provisional Order obtained by the Council under the Tramways Act 1870 authorising the construction of tramways in the district may authorise the Council to use trolley vehicles upon all or any of the streets or roads along which such tramways are authorised to be constructed in lieu of and pending the construction thereof.

Inspection by Board of Trade.

78. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Saving of powers of Commissioner of Police.

79. Nothing in this Act shall be held to restrict or interfere with the exercise by the commissioner of police of the metropolis of the powers conferred on him by the Acts relating to public carriages in the metropolitan police district.

Part VI.

Streets Buildings Sewers and Drains.

Council may define future line of streets.

80.—(1) Where any street or road in the district repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the chairman of the Council or by the clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

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(2) The Council may and if required so to do by the owner shall purchase the land for the time being unbuilt upon lying between any such lines as aforesaid and the street or road and the same when purchased shall vest in the Council as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Council shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Council requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(6) The provisions of this section shall not apply to the roads in the district which are mentioned in the schedule to the County Council of Middlesex (General Powers) Act 1906 and which are shown and coloured yellow red and blue on the map signed in triplicate by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for that Act was referred.

Continuation of existing streets to be deemed new streets.

81. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the district be deemed to be a new street.

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No building allowed until street defined.

82.—(1) No person except with the consent of the Council shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

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

Width of new streets in certain cases.

83. Where in the opinion of the Council a new street not being a back street will form a continuation of or means of communication with a main thoroughfare in the district or a continuation of or means of communication with a main approach to the district the Council may if they see fit require the houses or other buildings intended to be erected in such new street to be set back from the centre line thereof to such distance not exceeding forty feet as they may see fit and the Council shall thereupon make full compensation to the owner or owners of and to any other person interested in the lands abutting upon the said new street for any damage which may be sustained by him or them by reason of such houses or other buildings being required to be set back as aforesaid and failing agreement the amount of such compensation shall be determined by arbitration in the manner provided by the Lands Clauses Acts:

Provided always that the Council may if they think fit instead of paying the compensation to such owner or owners under this section agree with him or them for the purchase of the said lands or any part or parts thereof.

All moneys payable by the Council by way of compensation or for the purchase of lands under this section may be defrayed out of moneys authorised by this Act to be borrowed with the sanction of the Local Government Board.

For the purpose of this section "back street" means any street or passage intended to be used only as an access to the back of any building.

Further provisions as to new streets.

84. When a road or lane within the district is about to become by reason of building operations a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street is about to be built on the Council may instead of requiring the owner of such land to widen such road or lane to a width prescribed by the byelaws in force within the

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district require such owner to widen such road or lane so as to give a width not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land Provided that if and when the land on the opposite side of such road or lane shall be built on the Council shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by the byelaws of the Council.

Intersecting streets.

85. No street shall be laid out of more than one hundred and fifty yards in length without an intersecting street at intervals of not more than one hundred and fifty yards in any such street 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.

Notice of name of new street.

86. Before any name is given to any street notice of the intended name shall be given to the Council and the Council may by notice in writing given to the person by whom notice of such intended name has been given to them at any time within one month after receipt of such notice object to such intended name and it shall not be lawful to set up any name to any street until the expiration of one month after notice thereof has been given as aforesaid to the Council or to set up any name objected to as aforesaid Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

For preventing soil sand and other débris from being washed into streets.

87.—(1) The owners or occupiers of all lands shall construct such works as may be necessary for the purpose of preventing as far as reasonably practicable the soil sand and other débris of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully or flood the houses in such street.

(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.

(3) For the purpose of this section "public street" means a street repairable by the inhabitants at large.

For preventing water flowing on footpath.

88. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one

month after service of an order of the Council for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

Prevention and removal of projections over streets.

89. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the district extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Council may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Elevation of buildings erected on front lands to be subject to approval of Council.

90.—(1) All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Council and in case the Council for a space of one month after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof 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 The Council shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

(2) The lands abutting upon facing or fronting to any part of Work B by this Act authorised shall upon the completion of such part of such work be deemed to be and to have become and shall be and become front land in consequence of an improvement

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made by the Council within the meaning and for the purposes of this section and the provisions thereof shall apply accordingly.

Forecourts to be fenced off from streets.

91. Whenever any person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Council be well and sufficiently fenced off from the footpath or street and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Trees or shrubs overhanging streets and footpaths.

92.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within three clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

Courts to be flagged.

93. The owner or owners of the premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall flag asphalte concrete or pave such court yard or passage or any part thereof and make a drain through or along the same or such part thereof as the Council require and keep such flagging ashphalting concreting or paving and drain in good repair If such owner or owners shall for one month after notice in writing from the Council fail in any respect to comply with this provision he or they shall be liable to a penalty not exceeding five pounds and to a daily penalty

not exceeding forty shillings and the Council may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners. A.D. 1911.

Means of escape from buildings in case of fire.

94.—(1) Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(3) Nothing in this section contained shall be deemed to interfere with the operation of sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same.

(4) Any person offending 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.

As to buildings of iron steel or reinforced concrete.

95. Notwithstanding any provisions contained in any public or local Act or byelaw in force within the district regulating the construction of buildings the Council shall have power to relax or modify such provisions in the following cases and subject to the following provisions (that is to say) :—

(1) Where a person is desirous of erecting an iron steel or reinforced concrete building or structure he shall make an application to the Council accompanied by complete plans sections and elevations of the proposed building with such details and other particulars as to the construction thereof as may be required by the Council :

(2) The Council if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars :

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(3) The Council may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or the erection of such building and structure make and issue such general rules as they think fit as to the place time and manner of making applications and as to the plans sections elevations details and particulars to be deposited with the Council and as to the precautions to be taken in connection with any such excavation foundation or erection for safeguarding the stability of the street and the property therein and the public safety and convenience and otherwise and as to any other matter or thing connected therewith respectively.

Provisions as to house without water supply.

96. The owner of any dwelling-house or tenement which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house or tenement was erected before the passing of this Act and such supply is not available.

Power to make byelaws.

97. The Council may make byelaws with respect to the following matters viz.:—

(1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act:

(2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united:

(3) Woodwork in external walls of buildings *Provided* always that any byelaw made under this subsection may authorise the Council if they think fit to exempt from the operation of such byelaw oak teak or other wood which the Council may approve:

(4) The testing of drains of new buildings.

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Erection of buildings to greater height than adjoining buildings.

98.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

(2) 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.

Area of habitable rooms.

99.—(1) Every new dwelling-house shall be provided with at least one living room with a floor area of not less than one hundred and fifteen square feet and one bedroom with a floor area of not less than one hundred and ten square feet.

(2) No bedroom or other habitable room in any such dwelling-house shall have less floor area than seventy square feet.

(3) 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.

Sanitary conveniences for workmen engaged on buildings.

100.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the district shall where practicable provide to the reasonable satisfaction of the Council and until the completion of any such work or operation sufficient water or other closets and urinals.

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

Separate sewers for surface water and sewage may be required.

101.—(1) The Council may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this section called a "surface-water sewer").

(2) Where under the provisions of any Acts for the time being in force in the district the Council have power to

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require any street to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of those Acts shall apply to such sewers accordingly Provided that the provisions of this subsection shall not be exercised unless and until the Council shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface-water sewers.

(3) (*a*) Where in any street separate sewage sewers and surface-water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Council.

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

(*c*) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such premises until the Council have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface-water drainage thereof and the Council may if they think fit make all such alterations.

(4) Nothing in this section shall be deemed to authorise the Council to discharge into the River Thames the contents of any sewer in contravention of the provisions of the Thames Conservancy Act 1894.

Council may require enlarged sewer.

102. If in any street not repairable by the inhabitants at large the Council for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Council and the

additional cost thereof as ascertained by the surveyor shall be paid by the Council. A.D. 1911.

Extension of definition of drain.

103.—(1) In this section the expression "public sewer" means any sewer which shall have been or shall hereafter be —

(A) Constructed along and under any highway repairable by the inhabitants at large;

(B) Constructed to the satisfaction of the Council along and under any highway not repairable by the inhabitants at large;

(C) Purchased or otherwise acquired by or constructed at the ultimate expense of the Council;

(D) Constructed and used for the purpose of conveying sewage from sewers coming within the before-mentioned exceptions (A) (B) or (C);

(E) Made by any person for his own profit or by any company for the profit of the shareholders;

(F) Made and used for the purpose of draining preserving or improving land under any local or private Act of Parliament or for the purposes of irrigating land;

(G) Under the authority of any commissioners of sewers appointed by the Crown; and

(H) Constructed by or transferred to some other local authority or by or to a sewerage board or other authority empowered under any Act of Parliament to construct sewers.

(2) Where any two or more buildings or premises at the passing of this Act are or hereafter shall be drained or sewered by means of a common drain or sewer or a connected series of drains or sewers used or intended to be used for the purpose of conveying the drainage or sewerage from such buildings or premises or any part thereof to a public sewer or to a cesspool stream ditch or other outfall such drain or sewer or series of drains or sewers and each and every part thereof notwithstanding that the same at the passing of this Act was or hereafter (apart from this enactment) might have become vested in the Council as a sewer shall for the purposes and within the meaning of the provisions of the Public Health Acts 1875 to 1907 be deemed within the district to be a drain (and not a sewer) on or belonging to each of such buildings or premises.

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(3) In any case where there shall be two or more owners of the buildings or premises so drained or sewered as in this section before provided the Council shall be entitled to recover any expenses incurred by them in executing any works under the powers conferred on them by the before-mentioned provisions of this Act from the several owners respectively in such shares or proportions as their surveyor or (in case of dispute) a court of summary jurisdiction shall determine or they may declare any such share or proportion to be private improvement expenses.

(4) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the district.

Power to lay drains in private streets.

104. The Council may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Council may make communication between drains and sewers.

105. If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council such communication shall be made by the Council upon the cost or estimated cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose.

Inspection of drains &c.

106.—(1) On complaint made on oath by the surveyor medical officer or the inspector of nuisances that he or they have reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to the surveyor medical officer or inspector of nuisances to jointly or severally inspect any water supply sink trap syphon pipe or other work or apparatus and on such warrant being granted the surveyor medical officer or inspector of nuisances or their authorised assistants (on production of their authority if so required) at all reasonable times in the daytime after not less than twenty-four hours' notice in writing

has been given to the occupier of the premises to which such water supply sink trap syphon pipe or other work or apparatus is attached or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises may enter and cause the ground to be opened wherever the surveyor medical officer or inspector of nuisances think fit doing as little damage as may be.

(2) If any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor medical officer or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

(3) If any such water supply sink trap syphon pipe or other work or apparatus be found on inspection to have been properly made in accordance with the Acts and byelaws in force within the district and in proper order and condition the Council shall cause the same to be reinstated and made good as soon as may be and the expense of examining reinstating and making good the same shall be defrayed by the Council and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(4) If any such water supply sink trap syphon pipe or other work or apparatus be found on inspection as aforesaid not to have been properly made as aforesaid or to be in bad order and condition and to require cleansing alteration or amendment or to be filled up the Council shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made requiring him forthwith or within a reasonable time specified in the notice to do what is necessary to place the work in proper order and condition.

(5) If such notice is not complied with the said owner or occupier shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council if they think fit in lieu of proceedings for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person in default in a summary manner.

Reconstruction of drains.

107.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions

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of the byelaws of the Council relating to the drainage of existing buildings.

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

Notice of intention to repair drains.

108.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Council without giving to the Council or the medical officer twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the inspector of nuisances or any officer of the Council authorised in writing by the medical officer for the purpose of inspection.

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

Improper construction or repair of watercloset or drain.

109.—(1) If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Wilful damage to drains watercloset &c.

110.—(1) If any person causes any drain watercloset earth closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected

therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds.

(2) Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Watercourse not to be covered in except in accordance with approved plan.

111.—(1) Before the owner of any land within the district shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Council plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Council may subject as hereinafter provided require such owner to so construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse:

Provided that—

(*a*) No requirement of the Council under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted:

(*b*) If with the consent of such owner the Council shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Council.

(2) If any difference shall arise between the Council and such owner as to the expediency necessity or otherwise of the works required by the Council to be executed such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

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

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Watercourse choked up to be a nuisance under Public Health Act 1875.

112. Any river stream or watercourse or any part or parts thereof respectively within the district so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

For protection of Duke of Devonshire.

113. For the protection of the Most Noble Victor Christian William Duke of Devonshire his heirs successors in estate and assigns (all of whom are in this section included in the expression "the owner") the following provisions shall apply and have effect in respect of the river stream watercourse pond or lake within the area of the lands adjoining Chiswick House (which lands are now in the occupation of Thomas Seymour Tuke and Charles Molesworth Tuke by virtue of a lease dated the 30th August 1910 and are in this section referred to as "the Chiswick House grounds") viz.:—

It shall be lawful for the Council and the owner to enter into agreements whereby in consideration of the payment by the owner to the Council of any capital or annual sum or sums of money the Council shall undertake at their own expense to execute all such works and do all such things as the owner or the occupier of the Chiswick House grounds might otherwise be from time to time hereafter required to execute or do under the provisions of the section of this Act of which the marginal note is "Watercourse choked up to be a nuisance under Public Health Act 1875."

Penalty for throwing rubbish into streams.

114. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the district so as to interfere with the due flow of such watercourse shall be liable to a penalty not exceeding five pounds.

Street orderly bins.

115. The Council may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the district of such dimensions and in such positions as they may from time to time

determine after consultation with the commissioner of police for the metropolis.

Soil-pipes to be ventilated.

116.—(1) The soil-pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or subject to the provisions of section 37 of the Public Health Acts Amendment Act 1907 by such other method as the Council shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on occupiers refusing execution of Act.

117. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under this Part 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 Council 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 works.

Saving as to railway companies.

118. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connection with their railway under any Act of Parliament.

Part VII.

Infectious Disease and Sanitary Provisions.

Provisions as to retailers of milk.

119. The provisions of section 34 (Power for Privy Council to make orders relative to dairies cowsheds and milkshops) of the Contagious Diseases (Animals) Act 1878 and of the Dairies

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Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Council under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the district for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets.

Compensation to dairymen.

120. If any dairyman shall at the request of the Council stop his milk supply within the district on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the district the Council may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

Compensation to persons ceasing employment.

121. If any person shall at the request of the Council or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

Council may supply antidotes against infectious disease.

122. The Council may provide and supply (without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Information to be furnished to medical officer and penalty for furnishing false information.

123.—(1) The occupier of any building in the district which is used for human habitation and in which there is or has been any person suffering from a dangerous infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier knowingly furnishing false information shall be liable on summary conviction to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

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Provisions for notification of tuberculosis of lung.

124.—(1)—(*a*) Every registered medical practitioner attending on or called in to visit any person within the district shall forthwith on becoming aware that such person is suffering from tuberculosis of the lung send to the medical officer a certificate on a form to be supplied to him gratuitously by the Council stating the name age sex and place of residence and employment or occupation (so far as can be reasonably ascertained) of the person so suffering and whether the case occurs in his private practice or in his practice as medical officer of any hospital public body friendly or other society or institution.

(*b*) Any such medical practitioner who fails to give such certificate shall be liable on summary conviction to a fine not exceeding forty shillings.

(*c*) The Council shall pay to every such medical practitioner for each certificate duly sent by him in accordance with this section a fee of not exceeding two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any hospital public body friendly or other society or institution.

(*d*) A payment made to any medical practitioner in pursuance of this section shall not disqualify that practitioner from serving as a member of the Council or as a guardian of a union situate wholly or partly in the district or in any local or parochial office.

(2)—(*a*) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any ship vessel boat shed tent or similar structure used for human habitation) would tend to prevent or check tuberculosis of the lung the clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by the Council at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council he fails to have the building or the part thereof disinfected as aforesaid

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within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers of and at the cost of the Council under the superintendence of the medical officer.

(*b*) For the purpose of carrying into effect the provisions of this subsection the Council may by any officer authorised in that behalf in writing under the hand of the clerk and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(*c*) Every person who shall wilfully obstruct any duly authorised officer of the Council in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3)—(*a*) The medical officer if generally empowered by the Council in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung to cause such articles books things bedding or clothing to be delivered over to an officer of the Council for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable on summary conviction to a penalty not exceeding five pounds.

(*b*) Such articles books things bedding and clothing shall be disinfected by the Council and brought back and delivered to the owner free of charge.

(4) If any person sustains any damage by reason of the exercise by the Council of any of the powers of sub-sections (2) and (3) of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Council and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

(5) No provisions contained in any general or local Act of Parliament relating to infectious disease shall apply to

tuberculosis of the lung or proceedings relating thereto under this section.

(6) All expenses incurred by the Council in carrying into effect the provisions of this section shall be chargeable on the district fund and general district rate.

(7) The Council shall give formal notice of the provisions of this section by registered post to every medical practitioner in the district and any other registered medical practitioner known to be in practice in the district and this section shall come into operation at such time not being less than one month after the first publication of an advertisement prescribed by the section of this Part of this Act the marginal note of which is "Public notice to be given of provisions of this Part of Act" as the Council may fix.

(8) The provisions of this section shall cease to be in force within the district at the expiration of nine years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

Prohibition of blowing or inflating carcases.

125.—(1) It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the district.

(2) Any person who shall offend against the provisions of subsection (1) of this section or shall expose or deposit for sale within the district a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

Inspection of premises of dealer in ice-cream.

126.—(1) Any officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Council would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of

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his duty shall be liable to a penalty not exceeding forty shillings.

As to accommodation for cooking of food in tenement houses.

127. If at any time it appears to the Council that in any tenement house within the district sufficient and suitable accommodation for the cooking and storage of food is not provided for the use of each family occupying such house on the storey or one of the storeys in which are situate the rooms or lodgings in the separate occupation of such family the Council may cause notice to be served on the owner of such house requiring him within such reasonable time as may be specified in the notice to provide sufficient and suitable accommodation for the purpose aforesaid and any owner failing to comply with any such requirement within the period prescribed in the notice shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings:

Provided that this section shall not apply to any tenement house used or occupied as such before the passing of this Act.

Power to appoint additional inspectors of nuisances.

128. The Council may appoint more than one inspector of nuisances and sections 189 and 191 of the Public Health Act 1875 shall for the purposes of the execution of that Act within the district be construed accordingly:

Provided that the Middlesex County Council shall not be required to pay any part of the salary of more than one inspector of nuisances for the district.

Removal of body of person dying of infectious disease.

129. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the district of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

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Persons to furnish names of laundrymen to whom clothes &c. from infected houses sent.

130.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 (Notification of infectious disease) of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for mangling or washing from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

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

Defining the establishing of a new business.

131. For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established not only if it is established anew but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Council but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership 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.

Extension of section 49 of Public Health Acts Amendment Act 1907

132. Section 49 (Summary power to provide sinks and drains for buildings) of the Public Health Acts Amendment Act 1907 shall be construed and have effect as if the expression therein "building" had been "building or tenement."

Slaughtering prohibited except in Council slaughter-houses when provided.

133.—(1) At any time after the passing of this Act the Council may—

(A) Acquire by agreement any premises within the district used for the purpose of slaughtering cattle (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee and occupier of such premises;

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(B) Agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

(2) At any time after the expiration of three years from the passing of this Act and after the Council have provided adequate slaughter-house accommodation conveniently situated (to the satisfaction of the Local Government Board) and after the expiration of six calendar months from the date of publication by the Council in a local newspaper circulating in the district of notice to that effect no person shall slaughter in the way of trade any cattle within the district except in slaughter-houses provided by the Council but this shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle belonging to him and not slaughtered for the purpose of trade and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds Provided that nothing in this section shall prevent a farmer from slaughtering on land occupied by him for agricultural purposes only any cattle belonging to him with the consent of the Council or in case of emergency without such consent but no part of the carcase of any animal so slaughtered by a farmer shall be removed from the farm until after inspection by the medical officer or the inspector of nuisances such inspection to be made within a reasonable time.

(3) The Council shall pay compensation to the owner lessee and occupier of every slaughter-house who may be injuriously affected by the exercise of the above powers and the amount of such compensation shall in case of difference be settled as cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly.

(4) The fees and charges to be demanded and received by the Council in respect of the use of any slaughter-house provided by them or of any convenience connected therewith shall be regulated by byelaws to be approved by the Local Government Board and the Council may make byelaws accordingly Provided that the Council shall have power to charge for separate accommodation in any slaughter-house such weekly monthly or other rent as may be agreed upon by the Council and the renters.

(5) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or licence of the Board of Agriculture and Fisheries made or granted thereunder.

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

134.—(1) Public notice of the foregoing 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 district and by a notice affixed outside the Council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

Part VIII.

Local Rates.

Collection of local rates.

135.—(1) From and after the passing of a resolution in that behalf by the Council the powers and duties of any assistant overseer or collector of poor rates for the parish of Chiswick and the power of the guardians of the Brentford Union and of any and every other authority to appoint assistant overseers or collectors of poor rates in respect of the said parish shall cease and any assistant overseer or collector of poor rates then holding office shall cease to hold such office or offices.

(2) The Council shall as from the date of the passing of such resolution take into their service or employment (A) William Henry Jex the present assistant overseer and the collector of poor rates for the Turnham Green district of the said parish and shall appoint him as assistant overseer of the said parish and (B) Frederick William Martin the collector of poor rates for the Chiswick district of the said parish if they or either of them are then in the occupation of the said offices and shall consent to enter the service of the Council and if so consenting they and each of them shall hold office under the Council by the same tenure and on the same terms and conditions with respect to salary pension and in every other respect as nearly as may be as those upon which they respectively held their said present offices at the said date subject however to the terms of any

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agreement between them or either of them and the Council and neither of them shall (except the terms on which they respectively hold their said present offices or of any agreement do not require any such consent) be liable to be removed from the service of the Council without the consent of the Local Government Board Provided that the said William Henry Jex and Frederick William Martin if taken over by the Council may be required to collect the general district rate and any other rates rents or charges leviable by the Council within the district.

(3) The said William Henry Jex and Frederick William Martin or either of them if at the date of the passing of the resolution before referred to in this section they respectively shall be in the occupation of their said present offices and shall decline to enter the service of the Council shall be deemed to be an officer entitled to compensation within the meaning of section 120 of the Local Government Act 1888 and that section (with the exception of subsection (8)) shall with the necessary modifications and with the substitution of the "Local Government Board" for the "Treasury" and the "Council" for the "county council" apply accordingly and any compensation payable by the Council under this subsection shall be paid out of the district fund Provided that if compensation be claimed by the said William Henry Jex or the said Frederick William Martin under this subsection the officer so claiming shall be deemed not to have become and shall not become entitled to a superannuation allowance under the Poor Law Officers' Superannuation Act 1896.

(4) The Poor Law Officers' Superannuation Act 1896 shall apply to the said William Henry Jex and the said Frederick William Martin if they enter the service of the Council and to the Council in relation to them and each of them as nearly as may be as if the Council were the guardians of the Brentford Union and the district fund were the common fund of that union.

Rates may be amended to accord with new or supplementary valuation list.

136. The powers of section 221 (Rates may be amended) of the Public Health Act 1875 shall extend to enable the Council to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

Assistants to overseers of Chiswick.

137. The Council may appoint and remove such officers as they may deem necessary to assist the overseers of the parish of Chiswick in the discharge of their duties and the salaries and expenses of such officers shall be determined by the Council and paid out of the poor rate and other local rates and funds in such proportion as the Council shall determine.

Part IX.

Vestry Clerk.

Abolition of office of vestry clerk.

138.—(1) From and after the date of the death of the present vestry clerk Adolphus Alfred Harris or from the date of the said Adolphus Alfred Harris for any reason ceasing to be clerk of the vestry of the parish of Chiswick all powers of the inhabitants in vestry assembled of the parish of Chiswick to appoint a vestry clerk shall cease and the office of clerk of the vestry of the parish of Chiswick shall be abolished and the powers and duties incident or attaching to such office shall be transferred to and exerciseable by the persons who would have been liable or entitled to discharge the same respectively if no vestry clerk had been appointed by the vestry.

(2) The Council may resolve that the office of Adolphus Alfred Harris as vestry clerk shall cease and determine and the office shall thereupon cease and determine accordingly and in such case the provisions of section 120 of the Local Government Act 1888 with the modifications and substitutions provided for in the section of this Act the marginal note of which is "Collection of local rates" shall apply to the said Adolphus Alfred Harris as if he were an officer entitled to compensation.

Part X.

Superannuation and Pensions.

Definitions.

Interpretation in this Part of Act.

139. In this Part of this Act unless otherwise provided or the context otherwise requires the expression—

"Officer" means every officer now or hereafter in the service of the Council and designated an officer in an established capacity for the purposes of this Part of this Act by a resolution of the Council passed or to be passed and who at the passing of this Act shall

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not have attained the age of fifty-five years Provided that nothing in this definition shall be deemed to exclude an officer who by consent of the Council holds other appointments;

"Servant" means every servant or workman not less than twenty years of age on weekly wages in the permanent employ of the Council and duly placed on the establishment staff for the purposes of this Part of this Act by a resolution of the Council passed or to be passed and who at the passing of the resolution referred to in the section of this Act of which the marginal note is "Resolution of Council before pension fund established" shall not have attained the age of fifty-five years;

"Service" means in the case of an officer appointed prior to the passing of this Act the whole period of his service under the Council and in all other cases service as an officer or servant from and after the date on and from which such officer or servant shall have been designated or placed on the establishment (as the case may be) for the purposes of this Part of this Act Provided that in no case shall any service by any officer or servant before he shall have attained the age of twenty years be taken into account;

"Aggregated service" means any service which shall be aggregated and reckoned in accordance with the provisions of the section of this Act whereof the marginal note is "Aggregated service";

"Emoluments" includes all fees poundage and other payments made to any officer or servant as such by the Council for his own use also the money value of any apartments rations or other allowance in kind appertaining to his office or appointment but does not include casual payments or gratuities or payments in respect of overtime;

"Joint appointment" includes any office the tenure whereof is determined by the death removal resignation or incapacity of the holder of another office under the Council;

"Superannuation fund" means a fund to be established and administered by the Council in the manner described

and provided in the section of this Act whereof the marginal note is "Superannuation fund";

"Pension fund" means a fund to be established and administered by the Council in like manner described and provided in the section of this Act whereof the marginal note is "Pension fund."

First Part—Superannuation.

Title of officers to superannuation allowances.

140. Subject to the provisions of this Act every officer who shall be a contributor to the superannuation fund and shall have completed ten years' service or aggregrated service and shall become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body (other than permanent incapacity due to an injury in respect of which he claims and receives compensation under the Workmen's Compensation Act 1906 or any scheme made thereunder) or of old age or who shall have attained the age of sixty years and have completed a service or aggregated service of forty years or who shall have attained the age of sixty-five years shall be entitled on resigning or otherwise ceasing to hold his office or employment to receive during life out of the superannuation fund a superannuation allowance according to the scale by this Act provided An officer shall not be entitled to an allowance on the ground of old age unless he has completed the age of sixty years.

Where an officer has attained the age of sixty-five years he shall cease to hold his office or employment and shall thereafter receive the superannuation allowance to which he may be entitled under this Act Provided that the Council may by resolution extend his period of service for one year and so from time to time as they may deem expedient.

Scale of superannuation allowances.

141. The scale of superannuation allowances to be made to an officer under this Act shall be as follows (that is to say):—

After ten years' service or aggregated service ten sixtieths of the average amount of his salary or wages and emoluments during the five years ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment;

After eleven years' service or aggregated service eleven sixtieths of such average amount;

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And so on up to a maximum after forty or more years service or aggregated service of forty sixtieths of such average amount.

Aggregated service.

142. Subject to the deduction of the increased percentage amounts to be contributed in that behalf as hereinafter provided all periods of service by an officer rendered after he shall have attained the age of twenty years and before his appointment or designation by the Council or their predecessors under and as an officer or in the carrying out of work for or on behalf of any local authority or authorities (including the Council in respect of any period of service not being "service" as defined in this Part of this Act) shall be aggregated and reckoned for the purposes of this Act whether the whole time of such officer has been devoted to such service or not:

Provided that no such period of service shall be so aggregated and reckoned in the case of an officer employed at the passing of this Act where such officer is unable to prove to the reasonable satisfaction of the Council within a period of six months from the passing of this Act that he has been in the service or employment of or engaged in the carrying out of work for or on behalf of any such authority or authorities:

Provided also that an officer appointed prior to the passing of this Act shall be entitled by notice in writing within six months thereafter to require that all or any period or periods of service under any authority or authorities whereof the duties or powers have not been transferred to the Council shall not be so aggregated and reckoned:

And further provided that in the case of an officer appointed subsequently to the passing of this Act no such period of service shall be so aggregated and reckoned unless such officer declares prior to his designation and proves to the satisfaction of the Council within a period of three months from the date of such designation that he has been in the service or employment of or engaged in the carrying out of work for or on behalf of any such authority or authorities and the Council on the application of such officer in such case shall at their discretion direct whether the whole or any part of any such period of service shall or shall not be so aggregated and reckoned.

Forfeiture for fraud &c.

143. An officer who is dismissed or resigns or otherwise ceases to hold his office or employment in consequence of any offence of a fraudulent character or of grave misconduct shall

forfeit all claim to any superannuation allowance under this Act in respect of his previous service or aggregated service Provided that in the case of any such officer the Council may if they see fit return to him out of the superannuation fund a sum equal to one half or less of his contributions under this Act.

Return of one half contributions on voluntary resignation.

144. An officer who has not become entitled to a superannuation allowance and who voluntarily resigns his office or employment shall be entitled to receive a sum equal to one half of his contributions under this Act or such larger sum (if any) as the Council shall in their discretion determine not exceeding a sum equal to the whole of such contributions.

Return of contributions and power to grant gratuities and superannuation allowances in certain cases.

145. An officer who has not become entitled to a superannuation allowance and who loses his office or employment by reason of a reduction of staff or of any alteration of areas or boundaries or otherwise ceases to hold his office or employment by reason of bodily injury not occasioned by his own default or of any other cause whatever other than his own misconduct shall be entitled to receive a sum equal to the amount of all his contributions under this Act.

In any such case of loss of office or employment as in this section mentioned the Council may also if they see fit grant to an officer a gratuity not exceeding twice the amount of his salary or wages and emoluments during the year ending on the quarter-day which immediately precedes the day on which he ceases to hold his office or employment but every such gratuity shall be paid out of the district fund or other the revenues of the Council and not out of the superannuation fund.

Provided that when such loss of office or employment occurs in a case in which the death or insanity of one of the holders of a joint appointment vacates the office of the other the officer whose office or employment is so vacated shall unless he is reappointed by the Council and except where in the case of husband and wife the joint appointment is terminated owing to the misconduct of one of them be entitled to receive during life a superannuation allowance according to the scale provided by this Act if such officer has attained the age of fifty years or has served for not less than twenty years.

Return of one half contributions in case of death.

146. In the event of an officer dying before becoming entitled to or receiving a superannuation allowance under this Act the Council shall pay to his legal personal representatives

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out of the superannuation fund a sum equal to one half of the amount of the contributions made by such officer under this Act or such larger sum (if any) as the Council shall in their discretion determine not exceeding a sum equal to the whole of such contributions.

Notice of proposal to return contributions or grant gratuity.

147. Special notice in writing shall be given with the ordinary agenda paper to every member of the Council of the time at which any proposal to return contributions to an officer who has been dismissed or resigns or any proposal to grant a gratuity under this Act will be considered.

Allowance not assignable.

148. Every superannuation allowance granted under this Act shall be payable to or in trust for the officer and shall not be assignable or chargeable with his debts or other liabilities.

Obligations of officers to contribute.

149. Subject to the provisions of this Act every officer shall from and after the date on or from which he shall have been designated for the purposes of this Part of this Act contribute to the superannuation fund a percentage amount of his salary or wages and emoluments according to the scale provided by this Act such amount to be deducted by the Council from the salary or wages and emoluments payable to him and to be carried to the credit of and form part of the superannuation fund.

Scale of contributions.

150. The percentage amounts to be deducted for the purposes of the superannuation fund shall subject to the provisions contained in the section of this Act whereof the marginal note is "Contributions in respect of aggregated service" be as follows (that is to say):—

In the case of officers with less than five years' service at the passing of this Act or appointed after the passing of this Act two and a half per centum of the annual salary or wages and emoluments;

In the case of officers with more than five and less than fifteen years' service at the passing of this Act three per centum of the annual salary or wages and emoluments; and

In the case of officers with more than fifteen years' service at the passing of this Act three and a half per centum of the annual salary or wages and emoluments.

The percentage amounts aforesaid shall be deducted from each and every payment made to officers by way of salary

wages or emoluments but such deductions shall not be calculated to fractions of one penny Provided that deductions in respect of emoluments other than monetary payments shall be made by instalments or otherwise as the Council may from time to time direct.

Contributions in respect of aggregated service.

151. Aggregated service shall not be aggregated or reckoned service for the purpose of ascertaining the percentage amounts to be deducted as provided by the last preceding section of this Act but in the case of any officer entitled to aggregated service the percentage amounts to be deducted as set forth in the said section qualified by this section shall be increased by one half per centum for each complete period of five years of aggregated service or part thereof to which he shall be entitled.

Statement of account to be rendered to contributors.

152. The Council shall at least once in every year render to each officer contributing to the superannuation fund a statement of account showing the contributions made by him to the fund.

Superannuation fund.

153.—(1) The Council shall establish and administer a superannuation fund to which shall be carried and credited—

(A) A sum hereinafter called "the primary annual contribution" to be raised annually in and by the district fund and other the several revenues of the Council and to be of such amount as hereinafter provided;

(B) All percentage amounts of salary or wages and emoluments deducted as in this Act provided;

(C) All dividends or interest arising out of the investment of the superannuation fund or any part thereof; and

(D) Such amount out of the district fund and other the several revenues of the Council as may be required to meet any deficiency on the superannuation fund as in this Act provided.

(2) The following shall be charged upon the superannuation fund (namely):—

(A) Superannuation allowances made in pursuance of this Act;

(B) Contributions or parts of contributions returned or paid in pursuance of this Act.

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Actuarial investigation.

154. Within six months after the passing of this Act and at the expiration of every subsequent period of seven years dating from the first day of January one thousand nine hundred and twelve the condition of the superannuation fund shall be submitted by the Council to an actuary being a fellow either of the Institute of Actuaries or of the Faculty of Actuaries in Scotland appointed by them who shall consider the same and shall make an actuarial valuation of the superannuation fund and on the basis of such valuation shall certify what proportion in his opinion the primary annual contribution shall bear to the total salaries of the officers contributing to the fund so that such proportion shall at all times be as nearly constant and vary as little as may be and so that without further recourse to the district fund or other the several revenues of the Council the superannuation fund as constituted under paragraphs (A) (B) and (C) of subsection (1) of the section of this Act of which the marginal note is "Superannuation fund" shall be solvent having regard to existing and prospective liabilities and for the then ensuing septennial period the primary annual contribution shall be the proportion so certified and shall be paid to the superannuation fund accordingly.

Case of subsequent appointment.

155. Where an officer in receipt of a superannuation allowance under this Act is appointed to any office or employment by any local authority such allowance shall cease to be paid so long as he continues to hold such office or employment if the salary or wages and emoluments thereof are equal to or in excess of the amount of such allowance and if they are not then only so much of such allowance shall be paid so long as he holds such office or employment as will make up the deficiency.

Any such person on ceasing to hold such office or employment shall be entitled to revert to and receive the full amount of his original superannuation allowance.

Investment of superannuation fund.

156. The Council shall invest any such part of the superannuation fund as may not in their opinion be required to meet payments arising in pursuance of the provisions of this Act in any statutory securities.

Saving for existing officers.

157. Any officer in the service or employment of the Council at the time of the passing of this Act may within three months after the passing of this Act signify in writing to

the Council his intention not to avail himself of the provisions of this Act and in that event it shall not be obligatory on him notwithstanding anything in this Act contained to make any contributions or submit to any deductions from his salary or wages under this Act nor shall he be entitled to receive any superannuation allowance gratuity or other benefit under this Act.

Application of Part X. of Act to teachers.

158.—(1) This Part of this Act shall apply to the teachers in this section hereinafter more particularly defined to such extent and upon such terms and conditions only as shall be prescribed by any scheme which may be made by the Council in pursuance of the provisions of this section.

(2) The Council may make and from time to time may amend a scheme or schemes to admit as contributors to the superannuation fund on such terms and conditions (subject to the provisions of this section) as the Council shall by any such scheme determine teachers who at the passing of this Act are or hereafter may be permanently and exclusively employed by the Council as the local education authority or in any public elementary school in the district (whether provided by the Council as the local education authority or not so provided) or permanently and exclusively employed in any school college or hostel provided by the Council under the powers in that behalf of section 3 of the Education Act 1902.

(3) Any period of service by a teacher prior to the appointed day under the Education Act 1902 shall not be reckoned as a period of service for the purpose of any such scheme as aforesaid.

(4)—(*a*) In the application of any such scheme as aforesaid to any teacher to whom the Elementary School Teachers (Superannuation) Act 1898 (in this Act referred to as "the Act of 1898") applies the amount of the superannuation allowance to be made to the teacher upon retirement under the provisions thereof shall be complementary to the amount of the deferred annuity to which the teacher is entitled and of the superannuation allowance which may be granted to the teacher under the Act of 1898 (in this section hereinafter called "the benefits under the Act of 1898") and the salary or wages in respect of which he shall contribute to the superannuation fund and receive a superannuation allowance under the provisions of this Part of this Act shall be so much (if

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any) of the actual salary or wages for the time being receivable by him as shall remain after deducting from such last named salary or wages a sum equal to one and a half times the amount of the benefits under the Act of 1898 receivable by him Provided that the total amount of the contributions to be so made by him to the superannuation fund shall be at such rate or rates per centum per annum on the salary or wages calculated as aforesaid as the Council on the report of the actuary shall determine to be proper so that the total amount of the contributions made by the teacher at the time when he shall become entitled to a superannuation allowance under the provisions of this Part of this Act shall as nearly as may be bear the same ratio to the amount of such allowance as the total amount of the contributions made at the like time by any other officer or servant with a like service or aggregated service shall bear to the amount of the superannuation allowance receivable by such officer or servant.

(*b*) For the purpose of giving effect to the provisions of this subsection the Council shall by resolution from time to time determine the amount of the benefits under the Act of 1898 and prescribe a scale determining the rate or rates of contribution aforesaid.

(*c*) If at any time hereafter under the provisions of the Act of 1898 or by reason of the passing of any general Act of Parliament whether in this or in any subsequent session of Parliament or otherwise the benefits under the Act of 1898 are materially increased the Council shall by an amending resolution make such provision as shall be necessary to meet the altered circumstances and by such resolution shall provide for the return to the teacher or the credit to him in respect of future contributions to the superannuation fund of the amount of any payments made by him to such fund in respect of service before the date of the amending resolution in respect of any part proportion or amount of his salary or wages in excess of the part proportion or amount in respect of which as determined by the said amending resolution he will thereafter be entitled to contribute to and receive an annual allowance from the superannuation fund.

(*d*) No part of any benefit or superannuation allowance received by any teacher from the superannuation fund shall be deemed to be paid out of or received from public money within

the meaning of the Act of 1898 or any rules made thereunder or otherwise. A.D. 1911.

Arbitration.

159. Any question which may arise between the Council and any officer as to the right to or the amount of a superannuation allowance or the amount of the contribution of such officer shall in default of agreement be submitted to arbitration in accordance with the provisions of the Arbitration Act 1889.

Application of provisions of Friendly Societies Act 1896.

160. The Council shall in respect of the superannuation fund be registered under the Friendly Societies Act 1896 and the provisions of that Act (except the proviso to subsection (1) of section 8 and sections 28 and 41) so far as they are applicable and are not inconsistent with the provisions of this Act shall apply as if (*a*) the Council were a society to which that Act applies and were the trustees of such society (*b*) the provisions of this Act were the rules of such society (*c*) the superannuation fund were the fund of such society and (*d*) the contributors to the fund were the members of such society and (*e*) as if the accounts of the superannuation fund as audited by the district auditor appointed by the Local Government Board were the annual return of the receipts and expenditure funds and effects required by section 27 (Annual returns) of the said Act:

Provided that the powers of sections 70 71 73 78 and 79 of the said Act shall not be exercised without the consent of the Council and that the Council shall send to the registrar under the said Act a copy of any certificate and report made in pursuance of the section of this Act of which the marginal note is "Actuarial investigation."

Second Part—Pensions.

Title of servants to pensions.

161. Subject to the provisions of this Act every servant who shall be a contributor to the pension fund and shall have completed ten years' service and shall become incapable of discharging his duties with efficiency by reason of permanent infirmity of mind or body (other than permanent incapacity due to an injury in respect of which he receives compensation under the Workmen's Compensation Act 1906 or any scheme made thereunder) or of old age or who shall have attained the age of sixty years and have completed a service of forty years or who shall have attained the age of sixty-five years shall be entitled on resigning or otherwise ceasing to hold his employment

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to receive during life out of the pension fund a pension according to the scale by this Act provided an officer shall not be entitled to an allowance on the ground of old age unless he has completed the age of sixty years:

Where a servant has attained the age of sixty-five years he shall cease to hold his employment and shall thereafter receive the pension to which he may be entitled under this Act Provided that the Council may by resolution extend his period of employment for one year and so from time to time as they may deem expedient:

And further provided that any servant who in respect of permanent incapacity due to an injury receives under the Workmen's Compensation Act 1906 or any scheme made thereunder compensation of a less amount than the pension to which he would have been entitled if he had been entitled to receive a pension under this section shall be entitled to receive the amount by which such pension exceeds such compensation.

Scale of pensions.

162. The scale of pensions to be paid to a servant entitled to a pension pursuant to the provisions of the section of this Act whereof the marginal note is "Title of servants to pensions" who shall have completed thirty years' service shall be as hereinafter set out (that is to say):—

A servant who at the time of ceasing to hold his employment was contributing to the fund—	*s.*	*d.*	
Sixpence per week - - -	11	0	per week.
Sevenpence per week - -	12	6	per week.
Eightpence per week - -	14	6	per week.
Ninepence per week - -	16	0	per week.
Tenpence per week - - -	18	0	per week.
Elevenpence per week - -	19	6	per week.
Twelvepence per week - -	21	6	per week.
Thirteenpence per week - -	23	0	per week.
Fourteenpence per week - -	25	0	per week.
Fifteenpence per week - -	26	6	per week.
Sixteenpence per week - -	28	6	per week.
Seventeenpence per week - -	30	0	per week.
Eighteenpence per week - -	32	0	per week.

The above prescribed scale of pensions to be paid to a servant who becomes entitled to and receives a pension before he has completed thirty years' service shall be reduced by

one thirtieth for every year's or part of a year's service less than thirty years and such scale of pension to be paid to a servant who becomes entitled to and receives a pension after he has completed thirty years' service shall be increased by one thirtieth for every complete year of service over and above thirty years up to a maximum of forty years' service.

Obligations of servants to contribute.

163. Subject to the provisions of this Act every servant shall from and after the date on or from which he shall have been placed on the establishment for the purposes of this Part of this Act contribute to the pension fund according to the scale provided by this Act such amount to be deducted by the Council from the wages and emoluments payable to him and to be carried to the credit of and form part of the pension fund.

Scale of contributions to pension fund.

164. The amounts to be deducted for the purposes of the pension fund shall be as hereinafter set out (that is to say):—

In the case of servants whose wages and emoluments other than overtime—

do not exceed 21*s.* 6*d.* per week sixpence per week;

exceed 21*s.* 6*d.* but do not exceed 25*s.* 0*d.* per week sevenpence per week;

exceed 25*s.* 0*d.* but do not exceed 28*s.* 6*d.* per week eightpence per week;

exceed 28*s.* 6*d.* but do not exceed 31*s.* 6*d.* per week ninepence per week;

exceed 31*s.* 6*d.* but do not exceed 35*s.* 0*d.* per week tenpence per week;

exceed 35*s.* 0*d.* but do not exceed 38s. 6*d.* per week elevenpence per week;

exceed 38*s.* 6*d.* but do not exceed 41*s.* 6*d.* per week twelvepence per week;

exceed 41*s.* 6*d.* but do not exceed 45*s.* 0*d.* per week thirteenpence per week;

exceed 45*s.* 0*d.* but do not exceed 48*s.* 6*d.* per week fourteenpence per week;

exceed 48*s.* 6*d.* but do not exceed 51*s.* 6*d.* per week fifteenpence per week;

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exceed 51*s.* 6*d.* but do not exceed 55*s.* 0*d.* per week sixteenpence per week;

exceed 55*s.* 0*d.* but do not exceed 58*s.* 6*d.* per week seventeenpence per week;

exceed 58*s.* 6*d.* per week eighteenpence per week.

Pension fund.

165.—(1) The Council shall establish and administer a pension fund to which shall be carried and credited—

(A) A sum hereinafter called "the primary annual contribution" to be raised annually in and by the district fund and other the several revenues of the Council and to be of such amount as hereinafter provided;

(B) All contributions of servants deducted as in this Act provided;

(C) All dividends and interest arising out of the investment of the pension fund or any part thereof; and

(D) Such amount out of the district fund and other the several revenues of the Council as may be required to meet any deficiency on the pension fund as in this Act provided.

(2) The following shall be charged upon the pension fund (namely):—

(A) Pensions made in pursuance of this Act;

(B) Contributions or parts of contributions returned or paid in pursuance of this Act.

Application of certain sections of Part I. of this Part.

166. The sections of this Act whereof the marginal notes are "Forfeiture for fraud &c." "Return of one half contributions on voluntary resignation" "Return of contributions and power to grant gratuities and superannuation allowances in certain cases" "Return of one half contributions in case of death" "Notice of proposal to return contributions or grant gratuity" "Allowance not assignable" "Statement of account to be rendered to contributors" "Actuarial investigation" "Case of subsequent appointment" "Investment of superannuation fund" "Arbitration" and "Application of provisions of Friendly Societies Act 1896" shall with the necessary modifications extend and apply to and for the purposes of the second part of this Part of this Act and for such purposes the said sections shall be construed as if the words "servant" "pension fund" "pension" and "passing of the resolution referred to in the section of this Act of which the marginal note is 'Resolution of Council

before pension fund established'" had been substituted therein for the words "officer" "superannuation fund" "superannuation allowance" and "passing of this Act" respectively wherever they occur.

Saving for servants existing at passing of resolution.

167. Any servant in the service or employment of the Council at the time of the passing of the resolution referred to in the next succeeding section of this Act may within three months after the passing of such resolution signify in writing to the Council his intention not to avail himself of the provisions of this Act and in that event it shall not be obligatory on him notwithstanding anything in this Act contained to make any contributions or submit to any deductions from his wages under this Act nor shall he be entitled to receive any pension gratuity or other benefit under this Act.

Resolution of Council before pension fund established.

168. The provisions of the second part of this Part of this Act shall not come into operation unless and until the Council shall pass a resolution declaring that it is expedient to establish a pension fund.

Third Part—General.

Limit of application of Part X. of this Act.

169.—(1) This Part of this Act (subject as in this section provided) shall not apply to any person employed in the district in any capacity under or by virtue of the Education Acts (other than a teacher to whom the section of this Act of which the marginal note is "Application of Part X. of Act to teachers" applies) or to any person in the employ of the Council who under the Poor Law Officers' Superannuation Act 1896 or otherwise shall be entitled to a superannuation or pension from any source other than the fund by this Part of this Act established.

(2) The Council with the consent of the Local Government Board may make establish maintain and from time to time amend a scheme or schemes for the benefit of the said persons or any of them in accordance with the provisions of this Part of this Act subject to such modifications therein as the Local Government Board may approve.

Part XI.

Financial.

Power to borrow.

170.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective

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sums mentioned in the second column thereof 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 of the said table (namely):—

1. Purpose.	2. Amount.	3. Period for repayment.
	£	
(*a*) For the purchase of land for and for the construction of Work B authorised by this Act.	37,000	Fifty-five years from the date or dates of borrowing.
(*b*) For the purchase of land for and for the construction of the street improvements authorised by this Act.	40,000	Fifty years from the date or dates of borrowing.
(*c*) For the provision of trolley vehicles -	5,000	Ten years from the date or dates of borrowing.
(*d*) For the provision of electrical equipment and the construction of works necessary in connection with the provision and working of trolley vehicles.	6,000	Twenty years from the date or dates of borrowing.
(*e*) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Council may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of the trolley vehicle undertaking of the Council and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of that undertaking other than purposes of that undertaking:

Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Board with whose consent it is borrowed.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge—

As regards moneys borrowed for the purposes (*c*) and (*d*) hereinbefore mentioned and any money borrowed for the purposes of the trolley vehicle undertaking of the Council the revenue of that undertaking and the district fund and general district rate;

As regards moneys borrowed for the remaining purposes hereinbefore mentioned the district fund and general district rate;

As regards moneys borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe:

The provisions of this subsection shall not limit the powers conferred on the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

Section 234 of Public Health Act not to apply.

171. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Application of moneys borrowed.

172. All moneys borrowed by the Council under this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Council with the approval of the Local Government Board determine.

Provisions as to mortgages.

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

Section 236 (Form of mortgage);
Section 237 (Register of mortgages);
Section 238 (Transfer of mortgages);
Section 239 (Receiver may be appointed in certain cases);

shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") apply to and in relation to all mortgages granted under the powers of this Act as if they were with necessary modifications re-enacted in this Act.

Protection of lender from inquiry.

174. Any person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss or non-application of the money lent or of any part thereof.

Mode of payment off of money borrowed.

175. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal

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and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months from the date of borrowing.

Sinking fund.

176.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either—

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

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of this Act of which the marginal note is "Power to use sinking fund instead of borrowing" be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

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

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the

residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

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

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the

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sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

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

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

Power to use one form of mortgage for all purposes.

177.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

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(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Power to use sinking fund instead of borrowing.

178.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(*a*) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(*b*) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

(*a*) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund;

(*b*) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment

of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(*c*) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Council shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Payment of sale money &c. to sinking fund.

179. Unless the Local Government Board otherwise direct the Council shall pay into the sinking fund all such money being capital or in the nature of capital and not being wholly or in part otherwise appropriated or required to be otherwise applied as shall from time to time arise from any sale lease or other disposition of land or other property of the Council in respect of or for which any of the moneys have been borrowed under this Act and as shall from time to time arise from any other source under this Act.

Council not to regard trusts.

180. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security

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or any part thereof or interest thereon not entered in their register.

Power to reborrow.

181.—(1) The Council shall have power—

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

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

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

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

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

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

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

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

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

Annual return to Local Government Board respecting sinking fund.

182.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in

pursuance of the provisions of this Act or in respect of any money raised under any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council 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 the Act in pursuance of which the moneys are raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Expenses of executing Act.

183. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such of those

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expenses as are to be paid out of borrowed moneys or are otherwise provided for) shall be paid out of the district fund or general district rate Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Council may apportion the same between those accounts in such manner as they deem equitable.

Scheme for fixed equated periods.

184.—(1) The Council 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 make provision in regard to all matters incidental thereto.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board 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 effect and such scheme shall be deemed to be within the powers of this Act Provided that 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.

(3) The Council may with the sanction of the Local Government Board 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 Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) 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.

Power to grant gratuities in certain cases.

185.—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum (not exceeding one year's pay) to any of their

officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service. A.D. 1911.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Part XII.

Miscellaneous.

Further provision as to swimming baths and open bathing places.

186. Notwithstanding anything to the contrary in the Baths and Washhouses Acts contained the following provisions shall have effect:—

(1) The power of the Council to make byelaws for the management use and regulation of the public baths and open bathing places shall extend to enable them to permit any swimming bath or open bathing place to be used for the purpose of family bathing (that is to say by any males and females members of families bathing together at the same time) or of mixed bathing (that is to say by males and females bathing together at the same time) during such hours and subject to such regulations as shall be prescribed in such byelaws Provided that by such byelaws provision shall be made for ensuring that separate dressing accommodation shall be provided and used by males above eight years old and females respectively and proper costumes worn:

(2) The Council may make a charge for each person using any open bathing place not exceeding twopence during the hours of ordinary or family bathing and not exceeding fourpence during the hours of mixed bathing.

Use of swimming baths and open bathing places for exhibitions &c.

187. The Council may close to the public and may reserve the exclusive use of any swimming bath or open bathing place belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or for any other entertainment exhibitions or

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for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath or open bathing place such sums for the exclusive use of such baths or place or for admission of persons thereto as they may think fit.

Notice of processions to be given.

188.—(1) Any person or persons intending to organise or form a circus procession or procession of wild animals through the streets of the district shall give written notice thereof and the route proposed to be taken and of the time at which it will take place to the Council by leaving such notice at the offices of the Council twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets of the district without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

Public drinking fountains.

189. The Council may after consultation with the Commissioner of Police for the Metropolis within the district put up continue remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively.

Fire alarms.

190. The Council may erect or fix street fire alarms in such positions in any street road or public place within the district as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to manufacture slabs &c. from destructor refuse.

191. The Council may convert any clinkers or other refuse or surplus material or product arising in connection with their refuse destructor into slabs or blocks of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs blocks bricks concrete mortar or other materials so produced may be utilised by the Council for making and repairing streets or for any other purposes connected

with the work of the Council for which they may be suitable or may be sold by the Council who shall carry the proceeds arising from any sales thereof to the credit of the district fund.

Fees for service of summons &c.

192. The power of the Council to recover any rates made and levied by them or collected by officers appointed by them shall extend to enable them to recover in addition to and together with the amount of any such rate due to them or collected by their officers from any person the same fee for the service of any summons or order upon or for the execution of a warrant of distress against any such person in respect of such rate by the parish constable appointed by the Council for the purpose as according to the scale of fees approved by the Secretary of State under section 23 of the Police Act 1890 would have been recoverable against such person in respect of such service or execution if the same had been made or levied by a police constable.

Evidence of appointments authority &c.

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

As to breach of conditions of consent of Council.

194. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

In executing works for owner Coun-

195. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the

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cil only liable for negligence.

district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Expenses may be declared private improvement expenses.

196. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Authentication and service of notices &c.

197.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Confirmation of byelaws.

198. 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);
Section 185 (Byelaws to be printed &c.); and
Section 186 (Evidence of byelaws);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act except byelaws made under Part V. of this Act.

Consent of Council to be in writing.

199. All consents given by the Council under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk.

As to appeal.

200. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of this Act or by any conviction or order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Council may in like manner appeal.

Apportionment of expenses in case of joint owners.

201. Where under the provisions of this Act the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Council 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.

Recovery of penalties &c.

202. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs damages and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs damages and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

203. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any

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specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Compensation how to be determined.

204. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Informations by whom to be laid.

205. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by an officer of the Council authorised in that behalf or by the clerk.

Penalties to be paid over to treasurer.

206. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer of the Council and be by him carried to the credit of the district fund or to such other fund as the Council shall direct.

Judges not disqualified.

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

Application of certain sections of Public Health Act 1875.

208. The provisions of section 102 (Power of entry of local authority) section 103 (Penalty for disobedience of order) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of Parts VI. and VII. of this Act as if those purposes had been mentioned in the said sections.

Saving for indictment &c.

209. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

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Inquiries by Local Government Board.

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

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

Powers of Act cumulative.

211. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

For protection of Metropolitan Water Board.

212. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the Council have effect (that is to say):—

(1) Notwithstanding the fencing in or enclosure of the commons or the stopping up temporarily of any street or road the board their engineers workmen and others in their employ shall at all times have full free and uninterrupted rights of access to all or any of the apparatus of the board situate in or under any such street or road as aforesaid or situate in or under the commons if and so far as the board now have rights of access thereto and shall be at liberty to do all such works in and upon any such street or road as aforesaid and in and upon the commons (if and so far as they now have access

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thereto) as may be necessary for inspecting repairing maintaining removing replacing or extending such apparatus at their own expense restoring and making good the surface The Council shall provide and fix and at all times thereafter maintain at such place or places as the board may reasonably require in any fence or enclosure which they may hereafter erect round any portion of the commons in which mains of the board are laid a gate or gates having a width of at least nine feet between the posts thereof to enable the board to enter with horses carts and other vehicles for the purpose of inspecting repairing renewing or otherwise dealing with such mains:

(2) Nothing in this Act contained shall empower the Council to erect over the said mains any building structure or thing which might unreasonably impede the board in their access to the said mains:

(3)—(*a*) The board may if they think fit remove all or any of their apparatus in or under any of the footpaths or portions of footpaths referred to in the section of this Act of which the marginal note is "Power to stop up footpaths on lands for Work No. 3" and notwithstanding the stopping up of such footpaths or portions of footpaths the Council shall give to the board all necessary facilities for that purpose In such event the Council shall pay to the board their charges of and incidental to—

(i) The removal of such apparatus and of any apparatus connected therewith requiring to be removed; and

(ii) The laying of such other similar apparatus of not larger size or capacity as may be necessary to be substituted for the apparatus so removed;

and any apparatus so removed shall remain and be the property of the board:

(*b*) The Council shall pay to the board reasonable compensation in respect of any such apparatus as aforesaid which the board shall not elect under the foregoing provisions of this subsection to remove but no compensation shall be payable if the Council under the preceding paragraph have paid or are liable to pay

for any substituted apparatus The Council shall also pay to the board their reasonable charges of removing or altering any of the apparatus of the board which the exercise by the Council of the powers of this Act shall render useless or which shall require to be altered :

(*c*) No action shall be taken by the board under this subsection unless and until the Council shall have given to the board notice in writing that they intend to close the said footpaths or any portion thereof and the Council shall not close any of the said footpaths or any portion thereof without giving to the board one month's notice of their intention so to do :

(*d*) The board shall at the request of the Council forthwith proceed to remove any apparatus from the said footpaths or any portion thereof and thereupon the provisions of paragraphs (*a*) and (*b*) of this subsection shall apply as if the board had themselves elected to proceed with such work :

(*e*) If any question shall arise between the Council and the board as to any sum payable under the provisions of this subsection by the Council to the board such question shall be determined by arbitration as hereinafter provided :

(4)—(*a*) The plan and section to be delivered by the Council under section 30 of the Tramways Act 1870 incorporated with Part V. of this Act shall (in addition to any other particulars to be shown thereon) show all posts poles transformer boxes and other apparatus intended to be erected or constructed as part of or connected with the trolley vehicle undertaking and if the erection or construction of any such post pole transformer box or apparatus in the position proposed would in the opinion of the board endanger or prevent access to any of their apparatus the Council shall (subject as hereinafter provided) if so required by the board alter the position of such post pole transformer box or apparatus of the Council to such extent as the board may reasonably require in order to remove such danger Provided that if the Council

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dispute the necessity of any such alteration of position as aforesaid or contend that the matter can be more properly dealt with having regard to all the circumstances by lowering or altering the position of the apparatus of the board in accordance with section 30 of the Tramways Act 1870 then the question in dispute shall be settled by arbitration under this section :

(*b*) If the cost of repairing relaying altering or otherwise dealing with any apparatus of the board shall be increased by reason or in consequence of the existence of any such post pole transformer box or apparatus of the Council as aforesaid the amount of such additional cost shall be borne by the Council and shall be repaid by them on demand to the board :

(5) Not less than one month before commencing any of the works authorised by Part II. of this Act in any street or road in or under which any mains pipes apparatus hydrants syphons plugs or other works or apparatus (in this section referred to as "apparatus") of the board are situate the Council shall deliver to the board a plan section and description of such works describing the proposed manner of executing the same and showing the whole of the works proposed to be executed in connection therewith and the position so far as it is known to the Council or can reasonably be ascertained by the Council from plans in the board's offices shown and produced to the Council of any apparatus of the board and the extent (if any) to which it is proposed to interfere with the same :

(6) The board may at any time within twenty-one days of the receipt of such plan section and description by notice in writing intimate to the Council their disapproval of the proposed manner of executing such works so far as they involve interference with the then existing apparatus of the board or make any requirement with respect to such plan section or description and in particular they may require the Council to provide and lay down such works and apparatus as may be specified by the board and to remove raise sink or otherwise alter the position of

any apparatus and support the same and to substitute temporarily or otherwise other apparatus in such manner as may be specified by the board and to lay or place under any apparatus cement concrete or other like substance Provided that if in executing any works in accordance with such requirement the Council shall have provided a larger main or laid the new main at a greater depth or otherwise improved the apparatus of the board the board shall reimburse and pay to the Council any expense incurred by them in providing apparatus of a better kind or in a better position than the existing apparatus of the board Any difference between the board and the Council under this subsection shall be determined by arbitration as hereinafter provided Provided that if the board shall not within the said period of twenty-one days give any such notice in writing to the Council as aforesaid they shall be deemed to have approved the plan section and description as submitted:

(7) The Council shall not construct such works authorised by Part II. of this Act as aforesaid except in strict accordance with the said plan section and description as approved by the board or settled by arbitration:

(8) The Council shall not in the construction of their works authorised by Part II. of this Act as aforesaid remove raise sink or otherwise alter the position of any apparatus of the board or do anything which may impede the passage of water into or through any apparatus without the consent in writing of the board or in any manner other than the board shall approve (which consent or approval shall not be unreasonably withheld or delayed) or until such good and sufficient apparatus (hereinafter referred to as "substituted apparatus") as the board may consider necessary for continuing the supply of water shall have been first provided laid down and ready for use:

(9) All works to be executed or provided under this section or under any other provision of this Act in connection with any apparatus of the board shall subject as hereinafter provided be so executed or provided by and at the expense of the Council but to the reasonable

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satisfaction and under the superintendence of the engineer of the board and the reasonable costs charges and expenses of such superintendence shall on demand be paid by the Council to the board:

(10) Not less than fourteen days before commencing the construction of any such works as aforesaid the Council shall give to the board notice in writing of their intention to commence such construction and shall state in such notice the place and time at which they propose so to commence and if within seven days after the receipt of such notice the board shall give notice to the Council of their intention themselves to lay down any substituted apparatus or to execute any other works to or in connection with any apparatus of the board as provided by this section it shall be lawful for the board instead of the Council to lay down such apparatus or execute such works and the reasonable cost incurred by them in so doing shall on demand be repaid to the board by the Council:

(11) Subject as provided in subsection (8) hereof the Council shall make good all damage done by them to any apparatus or other property of the board in the execution of the works by this Act authorised or in the provision by them of substituted apparatus or the execution of any other works required by this section and shall make full compensation to the board and to all parties for any loss or damage which they may sustain by reason of any such interference with any such apparatus or property or with the private communication pipes or any apparatus connected with such communication pipes of any person or persons supplied by the board:

(12) The Council shall not raise sink or otherwise alter the position of any apparatus of the board so as to leave over such apparatus a covering of less than three feet where such apparatus now has a covering of not less than three feet unless the Council shall in such case protect such apparatus from frost or injury by artificial covering to the satisfaction of the board or more than five feet where the covering now existing does

not exceed five feet or more than such existing covering where the same exceeds five feet unless the Council in such case provide special means of access to the same to the reasonable satisfaction of the engineer of the board:

(13) If any interruption in the supply of water by the board shall without their written authority be in any way occasioned either by the execution or failure of the works by this Act authorised or of any protective works or by any act or omission of the Council or of any of their contractors agents workmen or servants or any person in the employ of them or any of them the Council shall pay to the board all loss costs damages and expenses which the board may sustain or incur by reason of such interruption:

(14) The board may if they deem fit employ watchmen or inspectors to watch any works to be executed by the Council under this section or any other provision of this Act whereby any apparatus of the board will or may be interfered with or affected and the reasonable expenses thereof shall be borne by the Council and be paid by them upon demand to the board:

(15) The expenses of all repairs or renewals of any apparatus of the board or any works in connection therewith which may at any time within twelve months of the completion of any works be rendered necessary by or in consequence of the acts or defaults of the Council their contractors agents workmen or servants or any person in the employ of them or any of them or rendered necessary by reason of the subsidence resulting from the works of the Council whether during the construction of such works or within twelve months of the completion of any work be borne by the Council and paid by them on demand to the board provided that the board shall have given written notice to the Council immediately any repairs or renewals shall require to be executed or of any subsidence having come to their notice:

(16) If any difference shall arise between the board and the Council with respect to any matters under this section or concerning any of the said plans sections

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and descriptions the matter in difference shall be referred to and settled by an arbitrator to be agreed upon or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such settlement by arbitration.

Crown rights.

213. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Expenses of Act.

214. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the requirements of the Borough Funds Acts 1872 and 1903 shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1911.

FIRST SCHEDULE.

Premises of which Parts only are required.

Parish and Urban District.	Numbers on deposited Plans.
Chiswick -	5 6 7 8 9 10 11 16a 17 18 19 20 21 30a 31 32 33 34 35 36 38 39 40 41 44 46 48 49 50 51 52 53 73 154 155 156 157 157a 158 159 160 161 162 164a 166.

SECOND SCHEDULE.

Form of Mortgage.

By virtue of the Chiswick Urban District Council Act 1911 and of other their powers in that behalf them enabling the Chiswick Urban District Council (hereinafter called "the Council") in consideration of the sum of pounds paid to the treasurer of the Council by (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly [to the bearer of the coupons or interest warrants hereunto annexed or

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to be hereafter annexed hereto on the days and at the place therein mentioned] [on the day of and the day of in each year] And it is hereby agreed that the said principal sum of pounds shall be repaid at the office of the Council in the said district [(subject as hereinafter provided) on the day of one thousand nine hundred and] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an indorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of one thousand nine hundred and

---

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and [and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of one thousand nine hundred and

FORM OF TRANSFER OF MORTGAGE. A.D. 1911.

I [the within-named]
[of]
in consideration of the sum of pounds
paid to me by
of (here-
inafter called "the transferee") do hereby transfer to the transferee his executors administrators and assigns [the within-written security] [the mortgage number of the revenues of the Chiswick Urban District Council bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and .

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