CHAPTER xxxv.

An Act to amend the provisions of the Colne and Marsden Local Board Act 1881 with respect to compensation water to confer further powers upon the corporation of Colne with respect to their water gas and electricity undertakings to enact further provisions with respect to the transport services in the borough and elsewhere to make better provision for the health local government and finance of the borough and for other purposes. [18th July 1933.] A.D. 1933.

WHEREAS the borough of Colne (in the preamble to this Act called "the borough") is a municipal borough subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the borough (in the preamble to this Act called "the Corporation") acting by the council of the borough are the urban sanitary authority for the borough:

And whereas by section 15 (Power to make waterworks) of the Colne and Marsden Local Board Act 1881 (in the preamble to this Act called "the Act of 1881") the Corporation (in their capacity of a local board) were authorised to construct certain waterworks including an impounding reservoir to be called Laneshaw reservoir for the purpose of collecting impounding taking using getting and appropriating so

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much of the waters of the river Laneshaw and its tributaries as might be intercepted by the said works :

And whereas by section 16 (Compensation water) of the Act of 1881 the Corporation are required during every working day between the hours of five o'clock in the forenoon and five o'clock in the afternoon to discharge into the river Laneshaw from the said reservoir in a continuous flow a quantity of compensation water equivalent to four hundred and eighty-two thousand six hundred and forty gallons every twenty-four hours :

And whereas the reservoir was duly constructed and the waters impounded thereby are now being supplied by the Corporation for the purposes of their water undertaking :

And whereas the Corporation have constructed a well and pumping station at Wycoller which well and pumping station (with other works) were sanctioned by the Colne Corporation Act 1905 and are used by the Corporation solely for pumping water into a tributary of the said river Laneshaw known as Wycoller Beck :

And whereas the demand for water within the limits for the supply of water by the Corporation has increased and is increasing and is likely further to increase :

And whereas it is expedient that the obligations of the Corporation with regard to the discharge of compensation water into the said river should be varied as in this Act provided and that further powers should be conferred upon the Corporation with respect to their water undertaking :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their gas and electricity undertakings and with respect to the acquisition use and disposal of land by the Corporation as by this Act provided :

And whereas the Corporation were empowered by the Colne Corporation Act 1913 to acquire by agreement the light railway undertaking of the Colne and Trawden Light Railways Company and in pursuance of the powers of the said Act the Corporation became the owners of a system of tramways or light railways in the borough and in the urban district of Trawden :

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And whereas by the Colne Corporation Act 1921 the Corporation were empowered to discontinue the whole or parts of the said tramways or light railways and to run omnibuses or public service vehicles in lieu thereof or in connection therewith both within and without the borough as in the said Act provided :

And whereas the borough of Nelson adjoins the borough :

And whereas the mayor aldermen and burgesses of the borough of Burnley and the mayor aldermen and burgesses of the said borough of Nelson (in the preamble to this Act called "the Burnley Corporation" and "the Nelson Corporation" respectively) are the owners of systems of tramways light railways and public service vehicles which with the light railways and omnibuses or public service vehicles of the Corporation are operated so as to afford a transport service within and between the borough and the boroughs of Burnley and Nelson and elsewhere :

And whereas it is expedient that the Corporation and the Burnley Corporation and the Nelson Corporation should be empowered to combine in the formation of a joint board committee or other like body for the joint operation or unified management of their transport undertakings :

And whereas it is expedient that further and better provision should be made with reference to streets and buildings sewers and drains sanitary matters and human food and otherwise for the local government health and improvement of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended :

And whereas it is expedient that further provision be made with regard to the finances of the Corporation and the application of revenue from their undertakings :

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Colne Corporation Act 1933.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Water.
Part III.—Gas.
Part IV.—Electricity.
Part V.—Lands.
Part VI.—Joint transport committee.
Part VII.—Streets buildings sewers and drains.
Part VIII.—Infectious disease and sanitary matters.
Part IX.—Human food.
Part X.—Police provisions.
Part XI.—Finance.
Part XII.—Miscellaneous.

Incorporation of Lands Clauses Acts.

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

Interpretation.

4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act

have in relation to the relative subject-matter the same respective meanings. A.D. 1933.

And in this Act—

"The borough" means the borough of Colne;

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

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the medical officer" "the surveyor" and "the sanitary inspector" mean respectively the town clerk the treasurer the medical officer of health the surveyor and the sanitary inspector of the borough and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officers;

"The Act of 1877" means the Colne Gas Act 1877;

"The Act of 1881" means the Colne and Marsden Local Board Act 1881;

"The Act of 1897" means the Colne Corporation Act 1897;

"The Act of 1905" means the Colne Corporation Act 1905;

"The Act of 1913" means the Colne Corporation Act 1913;

"The Act of 1921" means the Colne Corporation Act 1921;

"The Order of 1890" means the Colne and Marsden Order 1890 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1890);

"The Order of 1898" means the Colne Electric Lighting Order 1898;

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

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

"The Minister" means the Minister of Health;

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"The gas undertaking" means the gas undertaking of the Corporation as from time to time authorised;

"The gas limits" means the limits within which the Corporation are from time to time authorised to supply gas;

"The electricity undertaking" means the electricity undertaking of the Corporation as from time to time authorised;

"The electricity limits" means the limits within which the Corporation are from time to time authorised to supply electricity;

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

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

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

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

"Food" has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;

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

"Authorised security" means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;

"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 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing 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;

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

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

PART II.

WATER.

Varying provision as to compensation water of Act of 1881.

5. Notwithstanding anything contained in section 16 (Compensation water) of the Act of 1881—

(1) From and after the passing of this Act the quantity of compensation water which the Corporation shall discharge into the river Laneshaw shall be a quantity equivalent to

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two hundred and forty-one thousand eight hundred gallons every twenty-four hours discharged in a continuous flow or ten thousand and seventy-five gallons per hour but such water shall be discharged for twelve hours of every day except Sunday between the hours of five o'clock in the forenoon and five o'clock in the afternoon at the rate of twenty-three thousand five hundred and ten gallons per hour during each of such twelve hours and the said section 16 shall accordingly be read and have effect as if the quantity of compensation water required by this section to be delivered were referred to in subsection (1) thereof in lieu of the quantity therein mentioned:

(2) The Corporation shall not be obliged to discharge from the Laneshaw reservoir or from any other work authorised by the Act of 1881 the whole quantity of compensation water required by subsection (1) of this section but they may in lieu of discharging such quantity from that reservoir or from any other such work as aforesaid discharge the whole or any part of such quantity of compensation water into the river Laneshaw from the well and pumping station of the Corporation at Wycoller Provided that the total quantity of compensation water discharged into and flowing down the said river from the point where the Wycoller Beck joins the said river shall never be less than the quantity required by subsection (1) of this section:

(3) The Corporation shall construct and maintain (1) within a distance of one hundred yards from the foot of the embankment of Laneshaw reservoir (2) at the said pumping station at Wycoller and (3) within a distance of one hundred yards from the foot of the embankment of Wycoller reservoir proper and suitable automatically self-recording gauges for recording the several quantities of compensation water which they are required to discharge and the same shall be open to the inspection and examination of all persons interested therein

Provided that until they discharge or cause to flow into Wycoller Beck the compensation water referred to in subsection (1) of section 11 (Provision as to compensation water) of the Act of 1897 the Corporation shall not be required to construct and maintain an automatically self-recording gauge within a distance of one hundred yards from the foot of the embankment of Wycoller reservoir :

(4) The Corporation shall at all times keep daily records of the water passing through or over the gauges and not later than the seventh day of each month the records for the preceding month shall be deposited at the waterworks office of the Corporation at Colne All persons interested therein shall have the right from time to time to inspect and if they think fit to take copies of or extracts from the records so deposited and such records shall at all convenient times for a period of six months from the deposit thereof be open to such inspection :

(5) The provisions of this section shall be accepted and taken by all parties interested as full compensation for all water the Corporation may or can at any time collect divert impound and abstract from the brooks streams diversions springs and waters authorised by the Act of 1881 to be taken for the purpose of their waterworks.

For protection of Lancashire County Council River Ribble Joint Committee and riparian owners.

6. For the protection of the county council of the county palatine of Lancaster (in this section referred to as "the county council") the River Ribble Joint Committee (in this section referred to as "the joint committee") and the owners and occupiers of lands mills and works on the banks of the rivers Laneshaw or Colne Water down to the confluence of the Colne Water with the Pendle Water (in this section referred to as "the riparian owners") the following provisions shall (unless otherwise agreed in writing between the county council and the joint committee and the riparian owners on the one hand and the

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Corporation on the other hand) have effect (that is to say) :—

(1) The gauges and records referred to in the section of this Act of which the marginal note is "Varying provision as to compensation water of Act of 1881" shall be open to the inspection and examination of the joint committee for the purpose of ascertaining whether the Corporation are complying with the requirements of that section and section 11 (Provision as to compensation water) of the Act of 1897 It shall be the right (as between the county council on the one hand and the joint committee on the other hand) and the duty of the joint committee from time to time to inspect the said gauges and records :

(2) In the case of any failure or neglect on the part of the Corporation to provide the said gauges and to maintain the same or to keep the said records or either of them in a state of efficiency or in case the Corporation omit or fail to discharge any of the several quantities of compensation water which they are required to discharge in pursuance of the Acts relating to their water undertaking or in case the Corporation shall omit or fail to comply with or observe the restrictions and obligations therein relating to the discharge of compensation water the Corporation shall be liable on summary conviction on information laid by the joint committee within three months from such failure or neglect to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds and shall in addition for every day on which they shall omit or fail to discharge any of the several quantities of compensation water which they are required to discharge in pursuance of the Acts relating to their water undertaking forfeit and pay by way of compensation a sum not exceeding two hundred and fifty pounds to the riparian owners who shall have actually sustained loss damage or injury by reason of such failure or neglect.

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As to certain springs.

7. Notwithstanding anything contained in any of the Acts relating to the water undertaking of the Corporation the Corporation shall not take or use or in any way interfere with the waters flowing from Barnside Spring Flass Spring and Bents Borehole and such waters shall be allowed for all time to flow into the river Laneshaw or the Colne Water as the case may be as compensation water in addition to the compensation water which the Corporation are required to discharge in pursuance of the section of this Act of which the marginal note is "Varying provision as to compensation water of Act of 1881."

Temporary discharge of water into streams &c.

8.—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Corporation as from time to time existing the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse Provided that water so discharged shall be as free as may be reasonably practicable from mud or silt or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay full compensation to all persons for all damage sustained by them by the exercise of such power the amount of such compensation to be settled in case of difference by arbitration.

(3) The powers of this section shall not be exercised so as to damage or injuriously affect the railways canals or works of any railway or canal company.

Charges for supplies for refrigerating apparatus.

9. Where a person who takes a supply of water for domestic purposes from the Corporation desires to use the water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use on a supply of continuously running water (other than apparatus for the purpose of softening water to be used for domestic purposes) the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall—

(*a*) be taken by measure on the conditions and at the rates for the time being in force for

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the supply of water by measure and if the person only takes a supply for domestic purposes the minimum quarterly charge for the water so taken by measure shall be ten shillings; or

(*b*) be paid for at such rates as may be agreed between the person and the Corporation.

Amendment of section 35 of Waterworks Clauses Act 1847.

10. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one tenth part of the expense of providing and laying down pipes mentioned in that section were one eighth part of such expense.

As to purchase of water undertaking of Colne Water Estate Company Limited.

11.—(1) In this section "the company" means the Colne Water Estate Company Limited and "the undertaking" means the water undertaking of the company.

(2) The Corporation may purchase the undertaking at such price and upon and subject to such terms and conditions as may be agreed between the company and the Corporation.

(3) The sale of the undertaking may be carried into effect by a deed in such form as may be agreed between the company and the Corporation and on the execution of the deed by the company the undertaking shall by virtue of the deed and of this Act be transferred to and become vested in the Corporation and the day on which such transfer and vesting take effect is referred to in this section as "the day of transfer."

(4) No action suit prosecution or other proceeding whatsoever commenced either by or against the company in relation to the undertaking or any part thereof shall abate or be discontinued or prejudicially affected by reason of the transfer but the same shall continue and take effect either in favour of or against the company in the same manner in all respects as the same would have continued and taken effect if the transfer had not been made and all penalties may be sued for and all offences may be prosecuted by the company in such or the like manner to all intents and purposes as such penalties might have been sued for or such offences prosecuted if the transfer had not taken place and all moneys payable to the company prior to the day of transfer may be sued

for and recovered by them in the same manner in all respects as the same might have been sued for and recovered by them if this Act had not been passed. A.D. 1933.

(5) Subject to the provisions of any agreement that may be entered into between the company and the Corporation all agreements conveyances contracts deeds and other instruments entered into or made with or by the company relating to the undertaking or any part thereof and in force at the day of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

(6) All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall on and after the day of transfer be admitted in evidence in respect of the same or the like matter for or against the Corporation.

(7) On the day of transfer the powers and obligations of the company with respect to the supply of water shall cease and determine.

(8) On and after the day of transfer the works comprised in the undertaking shall for all purposes be deemed to be part of the water undertaking of the Corporation as if they had been authorised by and included or referred to in the Acts relating to that undertaking.

PART III.

GAS.

Provision of valve where high-pressure air or other gas is used.

12.—(1) Every consumer of gas supplied by the Corporation who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Corporation (in this section referred to as "high-pressure air or other gas") shall if required to do so by the Corporation provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of high-pressure air or other gas into the service pipe or any main through which gas is supplied by the Corporation and shall at all times at his own expense keep in proper

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order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

(2) It shall not be lawful for any consumer at any time after the passing of this Act to commence to use high-pressure air or other gas unless and until he shall have given to the Corporation not less than fourteen days' previous notice in writing of his intention to do so.

(3) Every consumer who at the date of the receipt by him of any such demand note as is referred to in paragraph (*a*) of subsection (5) of this section is using high-pressure air or other gas shall within one month after that date give to the Corporation notice in writing of such use and if within one month after the giving of such notice the Corporation require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air or other gas unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement or obligation under this section the Corporation may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Corporation shall give notice of the effect of the foregoing provisions of this section—

(*a*) in the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Corporation on the demand notes for gas charges payable to the Corporation issued next after that date; and

(*b*) in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Corporation on the first of such demand notes delivered to such person after he shall become a consumer.

(6) The Corporation shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air or other gas is used or the Corporation have reason to believe that high-pressure air or other gas is or may at the time be used in order

to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such valve or appliance is provided and fixed where necessary.

(7) The Corporation shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

Additional powers of entry into premises.

13.—(1) The power to enter premises in order to inspect meters fittings and works for the supply of gas and for the purpose of ascertaining the quantity of gas consumed or supplied conferred upon the Corporation by section 21 of the Gasworks Clauses Act 1871 shall extend to all premises in which there is any service pipe connected with the gas mains of the Corporation except where the occupier of the premises shall have applied in writing to the Corporation for the disconnection of the service pipe from such mains and the Corporation fail to disconnect the service pipe within a reasonable time:

Provided that nothing contained in this subsection shall apply to any fittings or works belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house) of such company forming part of the railway premises of such company.

(2) The power to enter premises and remove pipes meters and fittings or apparatus conferred upon the Corporation by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the Corporation or to hire all or any of the pipes meters fittings or apparatus belonging to the Corporation.

(3) Where any premises which the Corporation are entitled to enter in pursuance of the said sections or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Corporation and cannot be ascertained after diligent inquiry after

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affixing such notice upon a conspicuous part of the premises and after the expiration of the said period forcibly enter the same doing no unnecessary damage and repairing all damage caused by such entry and on quitting the premises shall leave the same not less secure than they were on entry Provided that no notice under this subsection shall be necessary in cases of emergency.

(4) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said sections of the Gasworks Clauses Act 1871 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Supply to premises partly without gas limits.

14. The Corporation may supply gas to any house building or premises which or the curtilage of which is partly within and partly outside the gas limits in the same manner as if those premises were wholly within such limits.

Power to compel repairs in case of danger.

15.—(1) If the Corporation shall at any time serve notice upon any consumer to the effect that an officer or servant of the Corporation has reported after inspection of any piping or gas consuming appliance or fitting on such consumer's premises that he is of opinion that any such piping or gas consuming appliance or fitting is in such a condition as to be dangerous such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger If the consumer shall fail forthwith to carry out such works as aforesaid the Corporation may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Corporation shall think fit Any expenses lawfully incurred by the Corporation in cutting off the gas from such premises may be recovered by the Corporation from such consumer summarily as a civil debt.

(2) For the purposes of this section the Corporation shall have and may exercise the like powers of entry as are exerciseable under section 21 of the Gasworks Clauses Act 1871 as extended by this Act.

(3) The Corporation shall not under the powers of this Act stop the gas from entering any premises of a railway company (not being a dwelling-house) until after they have given to the company a reasonable notice of their intention to do so.

Power to cut off supplies where charges &c. not wholly paid.

16. The powers of the Corporation under section 16 of the Gasworks Clauses Act 1847 of stopping supplies of gas and cutting off or disconnecting service pipes or works and under section 23 of the Gasworks Clauses Act 1871 of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Corporation for gas supplied by them or in respect of any apparatus or fitting let on hire by the Corporation or supplied by them on hire-purchase terms and which the Corporation are under obligation to maintain remains unpaid after the expiration of such period from the demand thereof as the Corporation may from time to time determine.

Expenses of reconnecting discontinued supply.

17. In any case in which in consequence of any default on the part of the occupier of any premises the Corporation have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Corporation the reasonable expenses of reconnecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

As to construction and placing of pipes &c.

18. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

(1) The Corporation may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes with the fittings thereof which are to be laid by the owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before

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giving such approval shall refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry:

(2) (*a*) The Corporation shall publish once in the London Gazette and once in each of two newspapers circulating within the gas limits a notice of any application made by them to the Board of Trade for approval of any specification together with an intimation in a form to be approved by the Board that the proposed specification may be inspected at an address to be named in the notice and that any person affected by such proposed specification may make representations in writing to the Board within a period to be specified in the notice;

(*b*) As soon as practicable after the Board of Trade have approved any specification the Corporation shall comply with any directions given to them by the Board as to the publication or service of copies of the specification as approved or of notice of the giving of such approval;

(*c*) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the town hall and copies of every such specification shall be purchaseable by any person at the said town hall at the price of sixpence for each copy:

(3) When any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Corporation accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used:

(4) The Corporation shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are

proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification :

(5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Corporation and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation or until the pipe or fittings as laid or placed has or have been inspected and approved by the Corporation whichever shall first happen :

(6) Any officer of the Corporation duly appointed may between nine o'clock in the morning and six o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the appropriate specification of the Corporation they may refuse to supply gas to the premises until the provisions of this section have been complied with :

(7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Corporation's main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Corporation the like notice and the Corporation shall have the like rights of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :

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Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Corporation for the meter or a separate meter house such meter may be placed in such accommodation or meter house instead of within the outside wall of the building :

(8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of that company elsewhere than between the main of the Corporation and the meter :

(9) For the purposes of this section the expression " fittings " includes only the joints angles and connections used in placing or laying pipes :

(10) Section 14 (Construction and placing of pipes between mains and meters) of the Act of 1905 is hereby repealed.

Application of section 13 of Gasworks Clauses Act 1847.

19.—(1) Section 13 of the Gasworks Clauses Act 1847 is hereby incorporated with and shall form part of this Act and shall apply to the gas undertaking Provided that the said section shall be read and have effect as if the words " or any premises " were inserted after the words " private building " and as if the words " Provided also that every such contract entered into " by the Corporation shall be alike in terms and amount " to all consumers of gas supplied in like circumstances " and for the same purposes " were added at the end of the said section.

(2) Section 21 (Discounts) of the Act of 1905 is hereby repealed.

Supply of gas where consumer has separate supply.

20. Notwithstanding anything in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Corporation a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of

energy unless he has agreed to pay the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and in the inspection maintenance and reading of meters at those premises The sum so to be paid shall be determined in default of agreement by arbitration :

Provided that the minimum annual sum in the case of a stand-by supply of gas for domestic purposes shall not exceed twenty shillings.

Offices and showrooms.

21. The Corporation may in connection with and for the purposes of the gas undertaking provide fit up and maintain showrooms and offices and exhibit specimen installations machinery fittings and other apparatus appliances articles and things used in connection with the manufacture and consumption of gas and resulting from the manufacture of gas and give demonstrations of the uses to which gas can be put and may appoint and pay persons for the purposes aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of gas and may do all such other acts as may be reasonably necessary for the purpose of demonstrating the use of gas.

PART IV.

ELECTRICITY.

Agreements for supply of electricity.

22. Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person (other than authorised distributors) to whom the Corporation are authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

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Power to lay down connecting lines in certain cases.

23.—(1) For the purpose of supplying electricity to any premises to which the Corporation are for the time being authorised to supply electricity the Corporation may lay down place maintain and use electric lines in order to connect such premises to a service line already laid by the Corporation for the purpose of affording a supply of electricity to adjoining premises and for that purpose may cut or otherwise interfere with any party wall or fence to such premises and adjoining premises.

(2) In relation to any such electric lines as aforesaid the Corporation shall have the powers and be subject to the provisions of sections 17 18 20 and 77 of the schedule to the Electric Lighting (Clauses) Act 1899 and those provisions so far as applicable shall be incorporated with this Act and the Corporation shall be deemed to be the undertakers.

(3) The provisions of section 14 of the said schedule so far as they relate to the Postmaster-General shall extend and apply to the laying down or construction by the Corporation of any electric line under the provisions of this section.

(4) In this section the expression "electric line" shall have the same meaning as in the Electric Lighting Act 1882.

(5) The provisions of this section shall not apply to any premises (not being a dwelling-house) belonging to a railway or canal company.

Use for lighting purposes of electricity supplied for other purposes.

24.—(1) No consumer to whom electricity is supplied by the Corporation shall without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Corporation for any other purpose.

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for

any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may be for the time being charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

(4) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

Provisions as to supply of electricity by agreement.

25.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement—

(*a*) the Corporation may if they think fit discontinue to supply electricity to such consumer;

(*b*) the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply or not) be liable to pay to the Corporation at any higher rate which they may be for the time being charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and

(*c*) the Corporation in any case in which they discontinue the supply as aforesaid shall not be required to resume the supply until—

(i) they are satisfied that any electricity supplied to such consumer will be consumed

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in accordance with the terms of such agreement; and

(ii) the consumer has paid to the Corporation the sum payable by him pursuant to the foregoing paragraph (*b*):

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

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 (Penalty for failure to supply) of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation:

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Sale of electrical apparatus let on hire.

26. If any owner or occupier of premises who has hired from the Corporation any electric line fitting apparatus or appliance (in this section referred to as "fittings") sells or leaves the premises in which such fittings are fixed or fastened and the next owner or occupier of those premises desires to purchase instead of to hire those fittings the Corporation may notwithstanding anything contained in the Electricity (Supply) Acts 1882 to 1928 sell those fittings to such next owner or occupier upon such terms and conditions as may be agreed between him and the Corporation.

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Power of entry for substitution of cables &c.

27. In any case in which the proper and efficient supply of electricity necessitates the substitution of a new cable or other work situate in or upon the private property of a consumer the Corporation after giving forty-eight hours' notice in writing under the hand of the town clerk to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such cable or work is laid or fixed may enter such house building or land between the hours of nine in the morning and six in the afternoon or with the authority in writing of a justice at any other time for the purpose of effecting such substitution repairing all damage caused by such entry or substitution.

As to use of transformers.

28. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

Supply to premises partly without electricity limits.

29. The Corporation may supply electricity to any house building or other premises which or the curtilage of which is partly within and partly outside the electricity limits in the same manner as if those premises were wholly within such limits :

Provided that the Corporation shall not supply electricity under this section to any premises within the limits of any other authorised undertakers without the consent of such undertakers which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

Byelaws as to wires apparatus and fittings.

30.—(1) The Corporation may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity or cut off and discontinue the supply of electricity to any building or premises in which such byelaws are not complied with.

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(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings of any railway company.

(4) The provisions of this section shall have no application to any place or premises occupied as a factory or workshop or to which the Factory and Workshop Act 1901 applies and shall not in any way affect the operation of that Act.

Power to cut off supplies where charges &c. not wholly paid.

31. The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any apparatus or fitting let on hire by the Corporation or supplied by them on hire-purchase terms and which the Corporation are under obligation to maintain remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine.

Part V.

Lands.

Further powers for acquisition of land.

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

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be

appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

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

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

Power to develop lands.

33.—(1) The Corporation may lay out and develop any lands acquired by them under the powers of the Act of 1921 for the purposes of Part IV (Church Street widening) of that Act (including lands acquired for the improvement and development of frontages or of any lands abutting on or adjacent to any street) and not required for the widening construction or improvement of a street and (with the consent of the Minister) any other lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any of such lands and may sell lease exchange or otherwise dispose of any such lands houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose

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and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

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

(4) The Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any of the lands to which this section applies at a price or rent or for a consideration of a value less than the current market value of such lands but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(5) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any government department to any sale lease appropriation or other disposition of any lands of the Corporation for which such consent would be required if this Act had not been passed.

Proceeds of sale of surplus lands.

34.—(1) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

PART VI.

JOINT TRANSPORT COMMITTEE.

As to formation of joint transport committee.

35.—(1) The Corporation the mayor aldermen and burgesses of the borough of Burnley and the mayor aldermen and burgesses of the borough of Nelson (in this section called "the three corporations") may make and carry into effect agreements with respect to all or any of the following matters (that is to say) :—

(*a*) The constitution of a joint committee composed of members appointed by the parties to any such agreement;

(*b*) The management working and maintenance by such joint committee of the tramway light railway or public service vehicle systems of the parties to any such agreement the regulation interchange collection transmission and delivery of traffic upon such systems and the provision by such joint committee of tramcars light railway cars or public service vehicles;

(*c*) The transfer to such joint committee of any property of any party to any such agreement and any rights powers and interests duties liabilities and obligations of any such party in relation to tramways light railways or public service vehicles (as the case may be) and the running thereof on such terms as may be agreed between the parties;

(*d*) The appointment or employment and the dismissal of officers and servants by any such joint committee or by the parties to any such agreement on behalf of the joint committee and the payment of superannuation and other allowances and of compensation for loss of office salary or emoluments to such officers and servants or any of them and to existing officers and servants of such parties;

(*e*) The proportions in which the parties to any such agreement shall be liable for the expenses of any such joint committee including any deficiencies which may be incurred by the said committee in the working of the tramway light

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railway or public service vehicle systems of the parties to any such agreement;

(*f*) The formation of junctions between the tramway and light railway systems of the parties to any such agreement;

(*g*) The fixing collecting apportionment and distribution of the rates and profits arising from the tramways light railways and public service vehicles of the parties to any such agreement;

(*h*) The supply of motive power by any of the three corporations for the purpose of working any tramways or light railways which are for the time being managed worked and maintained by any such joint committee;

(*i*) Any matters which are incidental or supplementary to or consequential on the foregoing matters or any of them.

(2) If authorised by the agreement in pursuance of which any such joint committee is constituted the said joint committee may enter into contracts for and in connection with any of the purposes for which they are constituted including contracts for and relating to the matters referred to in paragraph (*d*) of subsection (1) of this section Provided that the powers of this subsection shall not be exercised by the said joint committee unless such agreement contains provisions as to the proportions in which any liabilities arising under any such contract shall be shared between the parties to such agreement.

(3) Sections 259 and 265 of the Public Health Act 1875 shall extend and apply to any such joint committee and to the members and officers of any such joint committee as if the joint committee were a local authority within the meaning of those sections respectively and as if the purposes of this section were purposes of the Public Health Act 1875.

(4) During the continuance of any agreement under this section any tramway or light railway systems operated by any joint committee thereunder shall for the purpose of calculating maximum rates charges or fares in respect of conveyance partly over the system or systems of one party to the agreement and partly over the system or systems of the other be considered as one tramway or light railway system and the maximum

charge for each portion of the entire distance shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

(5) The accounts of any such joint committee shall be audited in such manner as may be agreed by the parties to the agreement in pursuance of which such joint committee is constituted.

Application of Part V of Road Traffic Act 1930 to joint committee.

36. If under the last preceding section of this Act a joint committee be so constituted as to be a local authority within the meaning and for the purposes of Part V of the Road Traffic Act 1930 the expression "district" in that Part V shall in relation to the joint committee mean the area comprising the boroughs of such of the three corporations (as defined in the said section) as are constituent members of the joint committee :

Provided that if before the date on which the joint committee is constituted any corporation which is a constituent member of the joint committee shall have obtained the consent of the traffic commissioners for the north western or Yorkshire traffic areas to the running of public service vehicles on any road situate outside the district of the joint committee (as hereinbefore defined) and such consent is in force at the date on which the joint committee is constituted such consent shall be deemed to have been granted to the joint committee but nothing herein shall be construed as limiting any right of the said commissioners to revoke or modify any such consent or to modify any conditions attached to any such consent in pursuance of the powers conferred on them by section 102 of the Road Traffic Act 1930 and subject to the provisions of that section.

Accounts.

37.—(1) During the continuance of any agreement under this Part of this Act the joint committee thereby constituted shall keep the accounts in respect of any tramways light railways and public service vehicles operated by them so as to show separately (so far as may be reasonably practicable) the receipts and expenditure in regard to (*a*) the tramways and light railways and (*b*) the public service vehicles and in such accounts capital shall be distinguished from revenue.

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(2) The said joint committee shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of the tramways light railways and public service vehicles operated by them.

(3) Nothing in this Part of this Act shall be deemed to relieve the corporations who are constituent members of the said joint committee from any existing obligation to furnish to the Minister of Transport copies of the annual accounts of their tramway light railway or public service vehicle undertakings as the case may be.

Part VII.

Streets Buildings Sewers and Drains.

Adjustment of boundaries of streets.

38.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month any four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal The advertisement in the newspaper shall include notice of this proviso.

(3) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation for an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section.

(4) On any such appeal the court may make such order in the premises and on such terms and conditions as to the court shall seem just.

(5) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(6) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were " undertakers " within the meaning of the said Act.

(7) Notwithstanding any agreement entered into under this section the Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines and other apparatus belonging to or used by them which remain in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement the Central Electricity Board deem it necessary to alter the position of any such electric lines or other apparatus they shall be at liberty so to do and the expenses incurred by them in so doing shall be paid to them by the Corporation.

(8) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any government department to any appropriation exchange or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

Adjustment of boundaries of estates.

39.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) within

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the borough are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

Development scheme may be required in connection with new streets.

40.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force from time to time with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) If after the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict with such plans and particulars as approved and if any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The said owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

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(4) (*a*) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or of the intimation to him by the Corporation of such refusal appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(*b*) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court of summary jurisdiction may direct.

(5) Nothing in this section shall be deemed to authorise any contravention of any byelaw of the Corporation or statutory provision.

(6) Section 44 (Development scheme may be required in connection with new streets) of the Act of 1921 is hereby repealed.

Frontage line in new streets.

41.—(1) The Corporation may prescribe the line of frontage of houses or buildings (in this section called "the building line") to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already laid out upon which buildings have not already been erected.

(2) It shall not be lawful without the approval of the Corporation to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building beyond or in front of the building line prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been prescribed by the Corporation.

(4) In the event of the Corporation prescribing a building line at a greater distance from the centre of

a street already laid out than the line at which buildings could be erected having regard to the provisions of the byelaws with respect to streets and buildings in force within the borough or of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(5) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

(7) Any person deeming himself aggrieved by any requirement of the Corporation under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(8) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Further powers as to future line of street.

42.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter

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upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Banners and signs over streets.

43.—(1) If the Corporation shall by resolution determine that any banner streamer sign or lettering suspended across or hung over any street for the purposes of advertisement or announcement is a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the borough they may by notice in writing require the owner of or person responsible for the suspension or hanging of such banner streamer sign or lettering to remove the same within such reasonable period not being less than forty-eight hours as may be specified in the notice.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether

the removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attached to any such permission shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings. A.D. 1933.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering as is referred to in subsection (1) of this section which was in use on the first day of November one thousand nine hundred and thirty-two.

(4) (*a*) Any person deeming himself aggrieved by any requirement of any notice of the Corporation the withholding of any permission of the Corporation under this section or by any condition attached to any such permission may within fourteen days from the service of such notice or the intimation to him of such withholding or of the attaching of such condition appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just.

(*b*) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(5) Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section.

Projecting signs.

44.—(1) No person shall without the consent of the Corporation erect or place against or in front of any house or building any projection for advertising purposes which extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) The consent of the Corporation under this section shall not be withheld except on the ground that in their opinion the projection would be objectionable by reason of its size construction or situation or would be a danger or an injury to the amenities of the street

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and such consent may be given subject to such terms and conditions as the Corporation may think fit.

(3) Any person who offends against the provisions of this section or the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) (*a*) Any person aggrieved by the withholding by the Corporation of any consent or the conditions attached to any such consent under the provisions of this section may within fourteen days after the intimation to him of such withholding or of the attaching of such conditions appeal to a court of summary jurisdiction Notice of the right of appeal shall be endorsed on every intimation by the Corporation under this section.

(*b*) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the court shall have power to make such order in the matter of the appeal as the court may think fit and to award costs.

As to pavement lights.

45.—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street in the borough any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing of the Corporation.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

Crossings for horses or vehicles over footways.

46.—(1) Where the owner or occupier of any premises fronting or abutting on any street in the borough repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically-propelled vehicle other than a motor-cycle in passing to and from such premises the Corporation may either—

(*a*) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(*b*) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier in a summary manner as a civil debt.

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically-propelled vehicle other than a motor-cycle subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of the said condition shall be liable to a penalty not exceeding five pounds.

(4) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

(5) Section 59 (Crossings for horses vehicles &c. over footways) of the Act of 1897 is hereby repealed.

As to fencing footways in certain cases.

47. The Corporation may from time to time place repair renew and maintain fences rails and posts on the sides of any footways or carriageways adjacent to the entrances to or exits from any schools within the borough for the purpose of preventing danger from traffic along such carriageways to children going to or coming from such schools and may remove the same when the Corporation shall think fit.

Rounding of corners at street junctions.

48. The powers conferred by section 17 of the Public Health Acts Amendment Act 1907 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall when the said section

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has been declared to be in force in the borough be extended so as to enable the Corporation (subject to the provisions contained in that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius not being less than forty feet as may be determined by the Corporation.

As to termination of streets.

49.—(1) Where by reason of the continued existence at either end of an existing street which has been dedicated to the use of the public of any wall posts or fence any such existing street is not in the opinion of the Corporation provided with adequate means of communication with any other such street which abuts on the other side of the wall posts or fence the Corporation may if they think fit by notice require the owner of the wall posts or fence within a reasonable time to be specified in the notice to remove such wall posts or fence or make such opening in the same as in the opinion of the Corporation may in the circumstances be necessary :

Provided that where any wall posts or fence exist in or across an existing street which has been dedicated to the use of the public elsewhere than at either end thereof then for the purposes of this section the portions of such existing street on either side of the wall posts or fence shall be deemed to be separate streets.

(2) If default is made in complying with the requirements of a notice given under this subsection or if the owner of the wall posts or fence is unknown to the Corporation and cannot be ascertained after diligent inquiry then after affixing such notice upon a conspicuous part of the wall posts or fence and after the expiration of the period of time specified in the notice the Corporation may themselves carry out the requirements of the notice doing as little damage as may be and where the owner is known making compensation for any damage which may be done.

(3) When such wall posts or fence have been removed or an opening has been made therein the site of such wall posts or fence so removed or opened shall be deemed to form part of such existing street.

(4) The reasonable expenses incurred by any owner in carrying out the requirements of a notice under this subsection shall be borne by the Corporation and any question as to the reasonableness of any such expenses shall in default of agreement be determined by arbitration.

(5) Any owner aggrieved by any requirement of the Corporation under this section may within fourteen days from the date of service upon him of notice of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

As to urgent repairs of private streets.

50. Where in the opinion of the Corporation repairs are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may at their own expense execute such repairs as they deem necessary and the execution thereof shall not prejudice or affect the operation with regard to such street at any subsequent date of the Public Health Act 1875 or of section 66 (Urgent repairs of private streets) of the Act of 1905 Provided that the cost of any such repairs shall not exceed five pounds in the case of any such street.

Direction signs.

51.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the classified road number of the Minister of Transport and the direction or the distance to towns railway stations public buildings and other places of a public character.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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Notice of the right of appeal shall be endorsed on every notice given by the Corporation under this section.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

(4) In the exercise of the powers conferred by this section the Corporation shall be subject to any regulations or orders made by the Minister of Transport or any general or special directions given by such Minister with respect to traffic signs and signals in pursuance of the Road Traffic Act 1930.

Attachment of brackets to buildings.

52. The Corporation may with the consent of the owner of any building attach to that building such external brackets wires and apparatus as may be required for the purposes of the electricity undertaking or for lighting any street :

Provided that—

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

(2) any consent of the owner and any order of a 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 Corporation notice in writing requiring the attachments to be removed Where such notice is given the

preceding provisions of this section shall apply and the court shall have the same power as under proviso (1);

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

(4) no brackets wires and attachments shall be attached to any bridge or other work of any railway or canal company without the previous consent in writing of that company;

(5) no brackets wires and attachments shall be attached to any county or other bridge carrying a county road without the previous consent in writing of the Lancashire County Council.

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 rack rent shall be deemed to be the owner.

As to hoardings and similar structures.

53.—(1) No fence wall hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street shall be erected or brought forward on any land in any street—

(i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or

(ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(2) Any person who offends against the foregoing provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not

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exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(3) (*a*) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which would (if erected after the commencement of this Act) have contravened the provisions of subsection (1) or subsection (2) of this section to remove or alter the structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(*b*) Any person who neglects or refuses to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(4) The provisions of this section shall not be enforceable with regard to any structure existing at the commencement of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

(5) The provisions of this section shall not apply to any hoarding or advertisement affixed to any railway station or premises of any railway company for the purposes of such company.

(6) Section 70 (Restriction on advertising vehicles and hoards) of the Act of 1897 so far as it relates to hoardings or similar structures is hereby repealed.

As to erection of hoardings &c. at

54.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance

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street corners.

of ten yards from the corner of any street the person proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall or fence proposed to be so placed or erected.

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets of the borough upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding wall or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding wall or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) Any person deeming himself aggrieved by any prohibition condition or modification imposed or required by the Corporation under this section may within fourteen days from the date of notification thereof to him appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(5) This section shall not apply to any wooden structure fence or hoarding of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building provided that the same is taken down or removed immediately after such construction alteration or repair is complete.

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(6) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

Restrictions on advertisement hoardings.

55.—(1) For the purpose of preserving the amenities of the borough it is hereby enacted that it shall not be lawful after the passing of this Act to erect in or within twelve feet of any street in the borough any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine.

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(4) The provisions of this section shall not apply to any hoarding or advertisement affixed to any railway station or premises of any railway company for the purposes of such company.

As to repair of hoardings &c.

56.—(1) The Corporation may by notice in writing require the owner of any hoarding to maintain the same in good order and condition.

(2) If any paper or other material affixed for advertising purposes to any such hoarding or to the wall of any building becomes detached the Corporation may by notice in writing require the owner of such

hoarding or wall forthwith to remove and clear away such paper or other material. A.D. 1933.

(3) If any owner shall neglect or refuse to comply with any such notice the Corporation may carry out the requirements thereof and recover from the owner any expense incurred by them in so doing.

Erection of buildings to greater height than adjoining building.

57.—(1) In case any building within the borough 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 if required by the Corporation and if it is reasonably practicable 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 or the top of such last-mentioned building whichever may be the higher.

(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.

Dilapidated and neglected buildings.

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

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

(3) Where the order directs the taking down and clearing up of the site of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and

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(unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repair.

(5) For the purposes of this section the expression "building" shall include any party or other wall and any fence within the curtilage of the building.

As to dangerous buildings.

59.—(1) In any case where a building within the borough shall have been reported to the Corporation as dangerous to the inmates thereof or persons working therein or in the case of any building within the borough which may appear to the Corporation on the report of any duly qualified officer to be dangerous to such inmates or persons the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect

of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the borough. A.D. 1933.

Means of escape from buildings in case of fire.

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

(2) From and after the first day of July one thousand nine hundred and thirty-four the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient fire-fighting and first-aid appliances and proper and sufficient means of escape from each upper storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide

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such portable appliances or means of escape or both as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the appliances and means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape.

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

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

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

(6) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court of Colne holden in the borough and thereupon the said county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

(7) The appliances and means of escape in case of fire provided in connection with any building in pursuance of this section shall not be altered without the

consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and (in the case of such means of escape) free from obstruction.

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

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

(10) Where an existing building is after the passing of this Act newly converted into flats it shall be deemed to be a new building within the meaning of this section.

(11) Section 60 (Means of escape from buildings in case of fire) of the Act of 1905 is hereby repealed.

Fire appliances for certain premises.

61.—(1) Any premises used principally for the preparation cooking and sale of fish potatoes or other similar commodities where quantities of heated or boiling fat or oil are used for the purpose of such preparation and cooking shall be provided with such portable efficient and adequate fire extinguishing apparatus and appliances as the Corporation may reasonably require.

(2) The occupier of any such premises who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by any requirement under this section may appeal to a court of summary jurisdiction and the court shall have power to make such order as the court may think fit and to award costs.

Byelaws as to materials and construction of buildings flats &c.

62.—(1) Section 157 of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to—

(i) the number of dwelling-houses which may be erected in one block or in one continuous row;

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(ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;

(iii) the situation construction and height of walls or fences upon or across such open space;

(iv) 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;

(v) 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;

(vi) the testing of drains of new buildings;

(vii) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost and preventing the improper use of such closets and the blocking of the pipes therefrom;

(viii) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;

(ix) ensuring that any hole made through the wall of a building below the level of the ground shall be so stopped as to prevent the free passage of gas into the building;

(x) the securing that any geyser or similar gas heated water apparatus of the rapid water-heating type or any gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated;

(xi) requiring every person who shall erect houses tenements or flats which are to be situate over shops or other premises to make and construct a principal means of access to such houses

tenements or flats (otherwise than through any such shop or other premises) of such width as may be prescribed by such byelaws;

(xii) the securing that any new building shall not be constructed in such situation or manner as to impede the proper ventilation of any other building or to render any such other building or any part thereof unfit for human habitation or dangerous or injurious to health or to prevent necessary access to any such other building for purposes connected with the remedying of nuisances or the enforcing of any legal provisions relating to the public health.

(2) Any byelaws made under paragraphs (ix) and (x) of subsection (1) of this section or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in paragraph (x) of that subsection is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157.

Extension of section 157 of Public Health Act 1875.

63. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be read and have effect as if it empowered the Corporation—

(*a*) to make byelaws with respect to fixed basins baths or urinals in connection with buildings; and

(*b*) to require by byelaws the deposit of plans and sections by persons intending to construct any drain in connection with a building.

Byelaws as to alterations to old buildings.

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

Means of access to buildings.

65.—(1) Upon the deposit of the plans of any new building intended or adapted for use as a dwelling-house (or where such plans have been approved before the passing of this Act but the erection of the building has not

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been begun at any time before such commencement) the Corporation may by notice in writing require the provision before the building is erected sold let or occupied (as the Corporation shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws for the time being in force with respect to new streets.

(2) If it appears to the Corporation to be necessary that the means of communication to be provided under this section shall be in the form of a street the Corporation may by their notice require a new street to be laid out and if the construction of such means of communication appears to them necessary they may by their notice require constructional work in connection with such means of communication not exceeding that required for a new street by the byelaws in force with respect to the construction of new streets.

(3) The Corporation may if they think fit contribute towards the cost of the provision of means of communication or of the work required under this section.

(4) Where notice of a requirement under this section has been given by the Corporation a person shall not begin to erect or proceed with the erection of any building to which the notice relates nor sell let or occupy such building (as the notice shall specify) until the notice of the Corporation has been complied with or until security has been given to the satisfaction of the Corporation that the notice will be complied with.

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

(6) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of the appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(7) Notice of the right of appeal shall be endorsed on every notice communicating a requirement of the Corporation under this section.

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Secondary means of access.

66. The power of the Corporation to make byelaws with respect to secondary means of access under section 23 of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect fronting a street or intended street terraces or other continuous blocks of houses (being terraces or continuous blocks comprising not less than five separate houses) not giving access through their own grounds to the backs of such houses to make and construct a back and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws.

Provision as to forecourts.

67.—(1) If the Corporation shall by resolution determine that any stall structure or other erection used for the sale or exposure for sale of goods in a front garden or forecourt is by reason of its character injurious to the amenities of the street in which such garden or forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period (not being less than seven days) as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by any requirement of any notice of the Corporation under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Corporation provided he give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the court shall have power to make such order as the court may think fit and to award costs.

(4) Notice of the right to appeal shall be endorsed upon every such notice served by the Corporation.

Fencing of forecourts.

68.—(1) In any case in which the forecourt of any premises adjoining a street is a source of danger obstruction or inconvenience to the public or in which any steps or projection are or is placed in any such

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forecourt or any goods are placed therein whether for sale or not the Corporation may require the owner of the premises well and sufficiently to fence such forecourt from the street.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Provisions as to tents vans &c.

69.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

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

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

Powers on inspection.

70. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Water from buildings &c. to be conveyed to sewers.

71.—(1) Water shall not be permitted to drain or to be pumped or discharged from any land or premises on to or over any part of the footpath of any street but shall be conveyed to some drain sewer or watercourse by a gutter drain or channel or in such other manner as

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the Corporation may require Any person who permits any water to be drained pumped or discharged in contravention of the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) It shall be the duty of all owners of land or premises to provide lay and keep in repair such gutters drains channels and other works as may be requisite for complying with this section and for the purpose of laying and repairing the same the owner of any land or premises may take up so much of any street as may be requisite and such gutters drains channels and other works shall be laid and thereafter kept in good repair and condition and the street shall be reinstated under the direction of the surveyor and all damage occasioned to the street shall be made good by such owner to the satisfaction of the surveyor.

(3) In the event of default on the part of the owner of any land or premises to comply with the provisions of subsection (2) of this section the Corporation may execute any necessary work and recover the cost of so doing from such owner summarily as a civil debt or as private improvement expenses to be charged upon the lands or premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

(4) The provisions of this section shall have no application to surface water flowing on to or over the footpath of a street from any premises abutting on a street and to which section 21 of the Public Health Act 1925 applies.

Amendment of section 81 of Act of 1905.

72. Section 81 (Corporation may order houses to be drained by a combined operation) of the Act of 1905 shall be read and have effect as if the words " except by agreement with the owners " were inserted after the word " not " in the proviso to the said section.

Houses connected with single private drains.

73.—(1) Where two or more houses or premises within the borough are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 and

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the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 (Extension of 38 & 39 Vict. c. 55 s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

As to defective drains &c.

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

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

As to repair of drains.

75. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation and if the owner or owners thereof shall fail to repair the

same to the satisfaction of the Corporation within fourteen days after notice shall have been served on him or them requiring the drain to be repaired it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine :

Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if the Corporation think fit.

Improper construction or repair of water-closet or drain.

76.—(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 nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care 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 has 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.

(3) Section 79 (Improper construction or repair of watercloset or drain) of the Act of 1905 is hereby repealed.

Amendment of section 38 of Public Health Act 1925.

77. Section 38 (Execution by local authority of drainage works) of the Public Health Act 1925 shall be read and have effect in its application to the Corporation as if the words " or repair " were inserted in subsection (5) of the said section after the word " enlarge " wherever such word appears in that subsection.

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Amendment of section 39 of Public Health Act 1925.

78. Section 39 (Notice of intention to reconstruct or alter drains) of the Public Health Act 1925 shall be read and have effect in its application to the Corporation as if in subsection (1) of the said section the word "repair" were inserted after the word "reconstruct" and as if in subsection (3) of the said section the word "repair" were inserted after the word "reconstruction."

Saving for railway and canal companies.

79. Nothing in the sections of this Part of this Act of which the marginal notes are—

"Erection of buildings to greater height than adjoining building";

"Byelaws as to alterations to old buildings";

"As to defective drains &c.";

"As to repair of drains";

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway or canal company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament.

PART VIII.

INFECTIOUS DISEASE AND SANITARY MATTERS.

Definition for purposes of this Part of Act.

80. For the purposes of the sections of this Act of which the marginal notes are "Parents to notify infectious disease" "Power to exclude children from Sunday schools or entertainments" and "Restriction "on attendance of children at Sunday schools and places "of assembly when infectious disease prevails" respectively the expression "infectious disease" includes measles german measles mumps whooping cough chicken pox scabies ringworm and influenza in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

Parents to notify infectious disease.

81.—(1) Any person being a parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher

principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings. A.D. 1933.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) For the purpose of this section the expression "school" shall include a Sunday school.

Power to exclude children from Sunday schools or entertainments.

82.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the exclusion of certain children from Sunday schools or places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any Sunday school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

83.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or

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assembly without undue risk of communicating disease to others.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Information to be furnished in case of infectious disease.

84.—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from an 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 refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889 and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

Supply of antidotes against infectious disease.

85. The Corporation may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Removal of infirm and diseased persons in certain cases.

86.—(1) If the medical officer shall certify in writing that any person in the borough—

(*a*) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(*b*) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interests of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the

medical officer may make application to a court of summary jurisdiction and the court upon oral proof of the allegations in the certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period (not exceeding three months) as may be determined by the order or such further period or periods (each not exceeding three months) as may be determined by any further order or orders made under and in accordance with the provisions of this section:

Provided that not less than three clear days before making any application under this subsection for the removal of any person to an institution or place not provided by the Corporation the medical officer shall give to the council of the county county borough or county district to whom the institution or place belongs (in this section referred to as "the appropriate authority") notice in writing of his intention so to do.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) When an order has been made under this section and the person has been removed in accordance therewith the Corporation may carry out such cleansing and disinfection of the premises where such person resided as may be necessary.

(4) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section and of any necessary cleansing and disinfection of the premises where such person resided shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance

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of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court:

Provided that if the application asks for the removal of the person to an institution or place not provided by the Corporation the appropriate authority shall be entitled to appear and be heard on the application and any matters relating thereto and may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed between the appropriate authority and the Corporation.

(5) An order under this section may be addressed to such officer of the Corporation as the court making the order may think expedient and any person who wilfully disobeys or obstructs the execution of the order shall be liable to a penalty not exceeding ten pounds.

(6) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and the court may make a rescission order accordingly if having regard to the circumstances they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(7) Nothing in this section or in any order made thereunder shall authorise the removal of any person to or the detention of any person in any institution not provided by the Corporation except with the consent in writing of the appropriate authority or shall affect or interfere with the exercise or discharge by the appropriate authority of any of their powers or duties.

(8) The powers of this section shall not be put into operation by the medical officer unless he is authorised

by a resolution of the Council so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under this section for the removal of any person to any voluntary hospital or charitable institution without the consent in writing of the controlling body thereof.

Entry into premises in case of dangerous infectious disease.

87.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a dangerous infectious disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease :

Provided that the medical officer shall not under the powers of this section—

(*a*) enter any premises except between the hours of seven in the morning and ten in the evening; or

(*b*) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) For the purposes of this section the expression "dangerous infectious disease" has the same meaning as in section 60 of the Public Health Act 1925.

(3) Any person who obstructs the medical officer in the exercise of his power under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

As to common lodging-houses.

88.—(1) No house or part of a house within the borough shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this section on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

(2) (*a*) The Corporation may without prejudice to their powers under the Public Health Acts refuse to

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register or to renew the registration of any house as a common lodging-house unless they are satisfied—

(i) that the premises are suitably equipped for use and occupation as a common lodging-house; and

(ii) that the use of the premises as a common lodging-house is not likely to occasion inconvenience or annoyance to the inhabitants or persons in the neighbourhood.

(*b*) If the Corporation refuse to grant or renew registration under this subsection they shall if required by the applicant deliver to him a statement in writing of the ground or grounds on which registration is refused.

(*c*) If the registration or renewal of registration be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that the appeal be made within fourteen days from the date of the refusal and that not less than twenty-four hours' notice of the appeal be sent to the Corporation.

(*d*) If the registration or renewal of registration be refused on the ground that the premises are not suitable or suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a properly qualified surveyor or architect to examine and report to them on the condition of such premises and their suitability for the purposes of a common lodging-house and the expenses of any such examination and report shall be paid in such manner and by such parties to the appeal as the court may direct.

(*e*) On any such appeal the court may after considering any representations made by the Corporation either by order confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.

(3) Notwithstanding anything in the Public Health Acts the registration of a common lodging-house whether registered before or after the commencement of this Act shall remain in force only for such time not exceeding one year as may be fixed by the Corporation

but may be renewed from time to time by the Corporation. A.D. 1933.

(4) Notice shall be given to the Corporation of the death of any common lodging-house keeper forthwith after the death shall have occurred and the right by section 77 of the Public Health Act 1875 conferred on the widow or any member of the family of a common lodging-house keeper to keep such common lodging-house open and to receive lodgers therein for four weeks after such death without registration shall not be exerciseable unless such notice shall have been duly given.

Byelaws as to lodging-houses.

89. Section 6 of the Housing Act 1925 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say) :—

(1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof :

(2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

As to filthy premises.

90.—(1) If the owner of any dwelling-house or premises occupied therewith within the borough represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the complaint of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order.

(2) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

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Water supply for dwelling-houses to be provided.

91. The owner of any dwelling-house or tenement in the borough which is not provided with a proper and sufficient water supply within such dwelling-house or tenement 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 means of affording such a supply of water are not available and cannot be made available at a reasonable cost :

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

Regulation dustbins.

92.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop within the borough to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

(2) Every owner or occupier having provided any such dustbin whether pursuant to this section or otherwise shall maintain the same in good order and condition.

(3) The foregoing provisions of this section shall not apply to any ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are portable and of suitable material size and construction and in proper order and condition.

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(5) The owner or occupier of all premises in connection with which a dustbin has been or may hereafter be provided shall if so required by the Corporation pay to the Corporation on each first day

of April after being so required such sum not exceeding three shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such dustbin Such payment shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance and renewal of such dustbin and shall be recoverable summarily as a civil debt.

(6) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who after providing a portable covered galvanised iron dustbin continues to use any fixed ashpit ashtub or other receptacle as a receptacle for refuse or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

(7) Section 54 (Regulation dustbins) of the Act of 1921 is hereby repealed.

Closet accommodation in houses occupied by more than one family.

93.—(1) Section 36 (Power of local authority to enforce provision of privy accommodation for houses) of the Public Health Act 1875 shall apply to a part of a house occupied by a separate family as it applies to the whole of a house and that section shall with the necessary modifications apply accordingly.

(2) The provisions of subsections (1) (2) and (3) of section 7 (Execution of works to comply with byelaws) of the Housing Act 1925 as amended by the Housing Act 1930 shall apply with any necessary modifications as if the same were set out in this section.

Amendment of section 39 of Public Health Acts Amendment Act 1907.

94. Section 39 (Provision and conversion of closet accommodation) of the Public Health Acts Amendment Act 1907 shall be read and have effect in its application to the Corporation as if in lieu of subsection (4) thereof the following words were substituted :—

"(4) The local authority where there are a
" sufficient water supply and sewer may by written

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" notice to the owner or owners of a building " require any existing closet accommodation " (other than a watercloset or a slop closet) pro- " vided at or in connection with the building to " be altered so as to be converted into a water- " closet.

" If the owner or owners of the building fail " to comply with any requirement of the local " authority under this subsection the local " authority may at the expiration of a time which " shall be specified in the notice and shall not be " less than fourteen days after the service of the " notice do the work required by the notice.

" Where in pursuance of this subsection any " work of alteration is done by the local authority " in default of the owner or owners one-half of " the expenses of the work shall be borne by the " local authority and the remainder of the said " expenses shall be borne by the owner or owners " and shall be recoverable summarily as a civil " debt :

" Provided that the local authority may if " they think fit contribute towards any expenses " incurred by the owner or owners in making any " alteration of any closet accommodation in " pursuance of this subsection.

" Every notice in pursuance of this sub- " section shall state the effect of the subsection."

Conversion of existing accommodation into watercloset.

95.—(1) When a sewer and water supply sufficient for the purpose are available within a reasonable distance the Corporation may notwithstanding anything contained in section 39 of the Public Health Acts Amendment Act 1907 as amended by this Act require any existing closet accommodation used in connection with the water carriage system (including a slop closet and trough closet and a fresh water or any other closet which drains into a septic tank or cesspool) provided at or in connection with any building to be altered so as to be converted into a fresh water closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer.

(2) If the owner of any such building fail in any respect to comply with a notice from the Corporation

of any requirement under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and subject as hereinafter provided may recover from the owner the expenses incurred by the Corporation in so doing.

(3) In the case of any existing closet accommodation which drains into a septic tank the Corporation shall bear and pay the whole of the expenses incurred in making any alteration of such accommodation in pursuance of this section and in any other case the Corporation shall bear and pay such part of the expenses incurred by them (not being less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(4) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear the whole or any part of such expenses.

(5) The notice of any requirement under this section shall state the effect of the provisions of this section.

(6) Nothing in this section shall apply to any building (not being a dwelling-house) constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers so long as such building is used or held by the said company primarily for railway purposes.

(7) Any person who deems himself aggrieved by any requirement of the Corporation under this section or objects to the reasonableness of any expenses wholly or partially recoverable from him under this section may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties:

Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall

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be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question.

Prohibition of tents vans &c.

96.—(1) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land within the borough without the previous approval of the Corporation given under the hand of the town clerk.

(2) It shall not be lawful for any person without the previous consent of the Corporation given under the hand of the town clerk to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate and sufficient supply of water and sanitary accommodation to the satisfaction of the Corporation.

(3) Any person aggrieved by the withholding by the Corporation of their approval or consent under the provisions of this section may within fourteen days from the date of the decision of the Corporation appeal to a court of summary jurisdiction provided that he give written notice of such appeal and of the ground thereof to the town clerk before lodging his appeal and such court may make such order in the premises and on such terms and conditions as to the court may seem meet The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(4) This section shall not apply to—

(*a*) a tent van shed or similar structure which is not used or intended to be used as a means of habitation for an unbroken period of at least three months; or

(*b*) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder travelling with any travelling show and not being a pedlar or hawker.

(5) 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 twenty shillings.

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Further provisions as to working-class houses.

97.—(1) For the purposes of Part II of the Housing Act 1930 any dwelling-house in the borough which is occupied or is of a type suitable for occupation by persons of the working classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Corporation under the said Part II shall apply in respect of such dwelling-house accordingly.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Corporation have served notice under section 17 of the Housing Act 1930 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

(*a*) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;

(*b*) the period for which the dwelling-house is likely to continue occupied;

(*c*) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house.

Byelaws as to stables.

98. The Corporation may make byelaws—

(*a*) for securing the proper ventilation and lighting of and for the prevention of insanitary conditions in or about any existing stable (whether the same is used as such at the passing of this Act or not) or of any stable erected after the passing of this Act; and

(*b*) in regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

Byelaws as to tipping refuse.

99.—(1) Section 44 of the Public Health Act 1875 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip

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so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof Provided that no bye-law under this section shall extend to regulate or control the tipping of spoil and refuse by a railway company for the purpose of constructing widening or maintaining any railway works.

(2) The Corporation may by any byelaws made by them in pursuance of this section impose on offenders against the same such penalties as they think fit not exceeding the sum of fifty pounds for each offence and in the case of a continuing offence a further penalty not exceeding ten pounds for each day on which the offence is continued after conviction thereof Section 183 of the Public Health Act 1875 shall not apply in the case of byelaws made in pursuance of this section.

(3) Without prejudice to any other remedy available the Corporation if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Public Health Act 1875 authorised to proceed with respect to a nuisance of whose existence they are satisfied and sections 94 to 104 inclusive of that Act with any necessary modifications shall apply accordingly.

(4) Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 96 of the Public Health Act 1875 as applied by sub-section (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a further penalty under the byelaws for continuance of his offence after conviction and to a penalty under section 98 of the Public Health Act 1875 (as so applied) for failing to carry out an order or acting contrary to an order.

Notice to be given of this Part of Act.

100.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

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

Part IX.

Human Food.

101.—(1) (*a*) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity; and

Registration of ice-cream manufacturers and premises.

(*b*) Any premises used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises shall be used for the purposes aforesaid unless they be so registered.

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

(4) This section shall not apply to any premises used as a club hotel restaurant or railway refreshment room or licensed as a theatre or music hall or for cinematograph entertainments.

Power to refuse registration of or remove from register ice-cream manufacturers and premises.

102.—(1) The Corporation may if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity in relation to the quality storage or distribution of the ice-cream or other commodity serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register him or remove him from the register as the case may be either absolutely or in respect of any specified premises and if he fails to show cause to their satisfaction accordingly they may refuse to register him or remove him from the register as the case may be.

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(2) Any person aggrieved by any such decision of the Corporation as aforesaid may within twenty-one days give notice of appeal to a court of summary jurisdiction and that court may require the Corporation to register such person or not to remove him from the register.

(3) The Corporation or such person as aforesaid may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions who may confirm or reverse the order of the court of summary jurisdiction.

(4) The decision of the Corporation to refuse registration or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is determined and where notice of appeal from a court of summary jurisdiction under this section is given within seven days from the date thereof such decision of the Corporation as aforesaid shall not take effect until the appeal to quarter sessions is finally determined.

(5) Where the appeal is from a refusal to register such person as aforesaid may until the appeal is finally determined carry on business as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity notwithstanding that he is not registered.

For regulating manufacture and sale of ice-cream &c.

103.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar

commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or of any such cart barrow or other vehicle or stand pail container or receptacle or of the commodities or articles of food therein or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

(4) Part VII (Ice-cream) of the Act of 1905 is hereby repealed.

Registration of premises used for preparation of potted and preserved foods.

104.—(1) Any premises within the borough used or proposed to be used for the preparation or manufacture of potted pressed pickled or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid or any of them unless the same are registered as aforesaid.

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

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop respecting which notice is required by subsection (1) of section 127 of the Factory and Workshop

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Act 1901 to be given and shall not in any way affect the operation of that Act.

(4) In the case of meat or fish the word " preserved " in subsection (1) of this section includes preparation by any process of cooking but this section shall not apply to hotels restaurants or other premises where food is in the ordinary course of business prepared for consumption on the premises.

Byelaws as to food.

105.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport by a railway company to or from any station or depot of such railway company of any article intended for the food of man the Corporation shall give notice to the railway company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such railway company shall be entitled to make representation to the Minister with regard thereto.

(3) The medical officer and the sanitary inspector or other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter and inspect any premises on which he suspects that there is any contravention of a byelaw made under this section and any person refusing such entry or inspection or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Further powers in relation to unsound food.

106. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly :

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Provided that nothing in this section shall authorise the inspection examination and search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or any basket sack bag or parcel in the possession of such company as carriers thereof.

As to street vendors of food.

107. Every dealer in any article intended for the food of man vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or from any market stall shall have his name and address legibly painted inscribed or displayed on such cart barrow vehicle or stand pail container or receptacle or clearly exhibited on such market stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings :

Provided that any act or omission contrary to the provisions of this section which also constitutes an infringement of section 6 of the Milk and Dairies (Consolidation) Act 1915 or any regulations made under the Public Health (Regulations as to Food) Act 1907 shall not render such person liable to a penalty under this section.

Extension of powers of section 72 of Public Health Act 1925.

108.—(1) Section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 (except paragraphs (*d*) and (*e*) of subsection (2) of that section) shall so far as applicable apply to a yard in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

(2) The said section except subsections (2) and (3) thereof shall also apply so far as applicable to any stall barrow or vehicle in any street or other open space or in any market place on which food is prepared for sale or on or from which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or kept with a view to future sale and to which stall barrow or vehicle any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

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Notice to be given of Part IX of this Act.

109.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

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

Part X.

Police Provisions.

Power to make regulations as to traffic on carnival &c. days.

110. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation on days appointed for ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

Power to stop traffic on occasions of emergency.

111. It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on emergency to cause barricades to be erected in or across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

As to exercise of powers of this Part of Act.

112. The powers conferred upon the Corporation by this Part of this Act shall not be exercised except after previous consultation with the chief constable of the county palatine of Lancaster.

Part XI.

Finance.

Power to borrow.

113.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest the sum requisite for the purpose of paying the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act"

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and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within five years from the passing of this Act.

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

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

(*c*) 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 Commissioners or the Minister with whose consent it is borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereto.

Application of provisions of Act of 1905.

114. The following sections of the Act of 1905 shall apply to moneys borrowed under this Act as if the same had been in this Act enacted (namely) :—

Section 110 (Mode of raising money);
Section 112 (Provisions of Public Health Act as to mortgages to apply);
Section 117 (Mode of payment off of money borrowed);
Section 119 (Protection of lender from inquiry);
Section 121 (Appointment of receiver);
Section 122 (Application of money borrowed) :

Provided that—

Section 110 (Mode of raising money) of the said Act of 1905 shall be read and have effect as if there were inserted at the end thereof the words "Provided that the provisions of this "Act relating to sinking funds shall apply to "sinking funds formed for the repayment of "moneys borrowed under the Local Loans

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" Act 1875 instead of the provisions of " sections 15 and 16 of that Act"; and

Section 117 (Mode of payment off of money borrowed) of the said Act of 1905 shall be read and have effect as if there were inserted at the end thereof the words "and the " payment of the first instalment or the first " payment to the sinking fund shall be made " within twelve months or when the moneys " are repaid by half-yearly instalments within " six months of the date of borrowing."

Receipts and expenses.

115.—(1) Notwithstanding anything contained in any enactment all money received by the Corporation whether on capital or revenue account (including all money received by the Corporation on account of the revenue of any undertaking of the Corporation as from time to time existing from which revenue is derived and interest and other annual proceeds from time to time received by the Corporation on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingency insurance consolidated loans capital reserve or other similar fund) shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act and not otherwise provided for shall be paid out of that fund or the general rate:

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

Application of revenues of undertakings.

116. If in any year moneys received by the Corporation on account of the revenue of any undertaking of the Corporation as from time to time existing from which revenue is derived exceed the moneys expended by the

Corporation in respect of that undertaking in respect of the expenses mentioned in paragraphs (*a*) (*b*) (*c*) (*d*) and (*e*) of subsection (1) of the section of this Act of which the marginal note is "Accounts of undertakings" the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum equal to the amount of such excess in any of the following ways:—

(*a*) In reduction of capital moneys borrowed for the purpose of the undertaking;

(*b*) (Subject in the case of the electricity undertaking to the consent of the Electricity Commissioners) in the construction renewal extension and improvement of the works and conveniences for the purposes of the undertaking.

Accounts of undertakings.

117.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation as from time to time existing from which revenue is derived (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking including the income from any reserve fund authorised in connection with such undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

(*a*) The working and establishment expenses and cost of maintenance of the undertaking;

(*b*) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

(*c*) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

(*d*) All other expenses (if any) of the undertaking properly chargeable to revenue;

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(*e*) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain;

(*f*) Any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is "Application of revenues of undertakings."

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

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

Reserve funds.

118.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the undertakings of the Corporation as from time to time existing from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and investing the same (subject to the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds") in statutory securities until the fund so formed amounts to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on each such undertaking.

(2) Any reserve fund which has been formed for the purpose of any undertaking of the Corporation as from time to time existing from which revenue is derived and which is in existence at the passing of this Act shall be deemed to have been formed under this section and any moneys standing to the credit of any such reserve fund shall be carried to the credit of the reserve fund authorised by this section.

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising

against the Corporation in respect of that undertaking or (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners) for payment of the cost of renewing improving or extending any part of the works forming part thereof and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Provisions as to surplus electricity revenue.

119. The following provisions shall apply with respect to the electricity undertaking (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenues of undertakings") viz. :—

If in any year the accounts of the electricity undertaking kept under the section of this Act of which the marginal note is "Accounts of undertakings" shall show that the revenue of the electricity undertaking in respect of that year (including if and so long as any reserve fund established in connection with the electricity undertaking amounts to a sum equal to one tenth part of the aggregate capital expenditure of the Corporation on that undertaking the interest and other annual proceeds received by the Corporation in respect of that year on the investments forming part of that reserve fund) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes mentioned in paragraphs (*a*) to (*f*) of subsection (1) of the last-mentioned section then—

(*a*) if the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure on that undertaking an amount equal to such excess shall be deemed for the purposes of the section of this Act of which the marginal note is "Accounts of undertakings" to be revenue of the electricity undertaking in respect of the next following

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year and a reduction shall be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(*b*) if the said reserve fund amounts to more than one-twentieth of the said aggregate capital expenditure such amount as the Corporation may think fit (not being less in cases where the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the electricity undertaking than the difference between the said excess and that sum) shall be deemed for the purposes of the section of this Act the marginal note of which is "Accounts of undertakings" to be revenue of the electricity undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so deemed to be revenue.

Date of operation of certain sections and repeal.

120.—(1) The sections of this Act of which the marginal notes are "Receipts and expenses" "Application of revenues of undertakings" "Accounts of undertakings" "Reserve funds" and "Provisions as to surplus electricity revenue" shall be deemed to have come into operation on the first day of April one thousand nine hundred and thirty-three.

(2) As from the said date the following enactments are repealed:—

The Act of 1877—		
	Section 19	(Deficiency in gas account);
	Section 20	(Application of revenue).
The Act of 1881—		
	Section 60	(Application of water revenue).
The Order of 1890—		
	Article III.	

The Act of 1897—

Section 47 (Application of revenue from markets).

The Order of 1898—

Section 52 (Application of revenue).

The Act of 1913—

Section 28 (Application of revenue of light railway undertaking);

Section 29 (Provision in case of deficiency of revenue of light railway undertaking);

Section 30 (Separate accounts to be kept).

Renewal and repairs fund.

121.—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called the "renewal and repairs fund" (*a*) any sum not exceeding an amount equal to twelve and one half per centum of the cost incurred by the Corporation (otherwise than for the purposes of the undertakings of the Corporation from which revenue is derived) in connection with the provision of horses carts mechanically propelled vehicles stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year and (*b*) any sum not exceeding the average annual cost incurred by the Corporation during the previous three years in connection with the maintenance and repair of buildings.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed ten thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works equipment and buildings referred to in subsection (1) of this section which are not comprised in the undertakings of the Corporation from which revenue is derived and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

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Capital reserve fund.

122.—(1) The Corporation may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the undertakings of the Corporation) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating such sums out of the general rate fund (other than moneys derived from the above-mentioned undertakings) as the Corporation from time to time deem expedient:

Provided that—

(*a*) any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to section 9 of the Rating and Valuation Act 1925;

(*b*) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty-five thousand pounds.

(2) (*a*) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall be either invested in statutory securities or used in the manner provided by the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds."

(*b*) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund.

Sinking fund.

123.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power such sinking 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 or such other rate as the Minister may from time to time approve 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 accumulations of the sinking fund shall subject to the provisions of this Act unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation 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 investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed Provided that in the case of an accumulating sinking fund the Corporation 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 Corporation.

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be

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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 Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation 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 Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Corporation shall increase the payments to such extent as the Minister may direct.

(8) If the Corporation 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 Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the moneys 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 Minister be sufficient to repay the moneys in respect of which the sinking fund is formed within

the prescribed period the Corporation may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister 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 Corporation with the consent of the Minister may determine.

(12) All moneys which at the date of the passing of this Act are standing to the credit of any sinking fund in respect of moneys borrowed and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

(13) Section 22 (Sinking fund) of the Act of 1913 and section 63 (Sinking fund payments) of the Act of 1921 are hereby repealed.

Use of moneys forming part of sinking and other funds.

124. Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a capital reserve reserve renewals depreciation contingent insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made

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out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

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

(3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly:

(4) Section 23 (Power to use sinking fund instead of borrowing) of the Act of 1913 is hereby repealed.

Returns as to sinking fund.

125.—(1) The town clerk shall if and when he is requested by the Minister so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such

penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appear to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Section 116 (Annual return to Local Government Board with respect to sinking fund) of the Act of 1905 and section 24 (Return to Local Government Board) of the Act of 1913 and any other enactment now in force in the borough requiring an annual return with regard to the repayment of debt to be made to the Minister are hereby repealed.

126.—(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say) :— **Insurance fund.**

(*a*) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;

(*b*) Risk of accident and claims by third parties in respect of any vehicles whether belonging to

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or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power;

(*c*) Risk of explosion in respect of boilers;

(*d*) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;

(*e*) Risks of injuries to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises of or leased to the Corporation;

(*f*) Risks of mechanical or electrical breakdown at or in connection with any of the electricity works of the Corporation;

(*g*) Risks of mechanical or other breakdown at or in connection with any of the gasworks of the Corporation;

(*h*) Risks of loss due to infidelity of officers or servants of the Corporation;

(*j*) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(*a*) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(*b*) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to fifty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below fifty thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of fifty thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Act) be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of fifty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the general rate fund and apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient include in the risks provided for under paragraph (*d*) of subsection (1) of this section risks of accident to any teacher employed in any public

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elementary school maintained by the Corporation notwithstanding that such school has not been provided by the Corporation as the local education authority.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister and on such security as the Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings or departments of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

Power to Corporation to advance money for erection of buildings.

127.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired by them under this Act and with the consent of the Minister to the purchaser or lessee of any other lands belonging to the Corporation and not required for the purposes for which they were acquired for the purpose of enabling or assisting him to erect buildings on such land provided that any advance shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the land with the intended building erected thereon.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being prescribed by the Minister for the purposes of loans under the Small Dwellings Acquisition Acts 1899 to 1923 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and such purchaser or lessee.

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(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year as may be agreed between the said purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's written notice and on paying all sums due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the instrument hereinafter referred to) or a multiple of one hundred pounds (or of such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will be reduced where a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the building in respect of the erection of which the advance is made and of the land upon which such building is to be erected or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce the receipts for the premium paid in respect of such insurance to the Corporation when required by them and to keep the building in good repair.

(6) The Corporation shall have power to enter the building in respect of the erection of which any advance is made by them by any person authorised by them in writing for the purpose at all reasonable times for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his

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interest in the building in respect of which such advance is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

Power to borrow by issue of bonds.

128.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds (to be called "Colne Corporation bonds" and in this Act referred to as "bonds") in accordance with the provisions of this Act.

(2) The provisions set out in the schedule to this Act shall have effect with regard to bonds.

(3) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(4) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Appointed auditors.

129.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or of the Society of Accountants in Edinburgh or of the Institute of Accountants and Actuaries in Glasgow or of the Society of Accountants in Aberdeen or of the London Association of Certified Accountants Limited or of the Corporation of Accountants Limited to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors elected and appointed under the Municipal Corporations Acts Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as "the appointed auditor."

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal

of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditors and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

Treasurer's accounts.

130.—(1) Notwithstanding anything in the Municipal Corporations Act 1882 the treasurer shall make up his accounts yearly to the thirty-first day of March.

(2) (*a*) Within three months from the thirty-first day of March in each year the treasurer shall submit the said accounts with the necessary vouchers and papers to the borough auditors or to the auditor or auditors appointed by the Corporation in accordance with the provisions of the section of this Act of which the marginal note is "Appointed auditors" as the case may be and the borough auditors or such appointed auditor or auditors shall audit the said accounts.

(*b*) After the audit of the said accounts the treasurer shall print an abstract thereof.

Dividend warrants by post.

131.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send letters containing orders for the payment of interest or dividend

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warrants to the address of such person appearing in the register Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send letters containing the same to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation by any other of them.

(3) The posting by the Corporation of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

As to ranking of securities of Corporation.

132. Subject to any priority existing at the commencement of this Act all authorised securities of and loans to the Corporation whether granted created issued or made before or after the commencement of this Act and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

Interest on securities held jointly.

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

Dividends to executors &c.

134. The Corporation shall not be required to pay to any executors or administrators any interest or dividend on any authorised security held by their testator or intestate until the probate of the will or the

letters of administration has or have been left with the Corporation. A.D. 1933.

Transmission of securities.

135.—(1) The interest of a holder of any authorised security in the security shall on the death of the holder be transferable by his executors or administrators notwithstanding any specific bequest thereof.

(2) Where two or more persons are registered as owners of any security of the Corporation they shall be deemed to be joint owners with right of survivorship between them.

(3) The Corporation shall not be required to allow any executors or administrators to transfer any authorised security until the probate of the will of or the letters of administration of the estate of the deceased has or have been left with the Corporation for registration and may require all the executors who have proved the will or all the administrators to join in the transfer.

(4) If the interest in any authorised security has become transmitted by any lawful means other than a transfer or the death of a holder thereof satisfactory evidence of the transmission shall if required be furnished to the Corporation by a statutory declaration of one or more competent persons or in such other manner as the Corporation require.

(5) The declaration shall state the manner in which and the party to whom the security has been transmitted and shall be left with the Corporation.

(6) If the transmission is in consequence of the marriage of a female holder the declaration shall if the Corporation require set forth a copy of the register of the marriage of the holder and declare the identity of the married person with the holder.

(7) The name of the person entitled under the transmission shall be entered in the register of the security.

(8) Until such evidence has been furnished the Corporation shall not be affected by the transmission and no person claiming by virtue thereof shall be entitled to receive any dividend on the security.

(9) In this section the term " transmission " includes any case of apparent transmission in consequence of the

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change of name of the holder of the security although the actual ownership of the security may remain unaltered.

Evidence of transfer or transmission of securities.

136. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Evidence of title.

137.—(1) The Corporation before allowing any transfer of any authorised security or before paying any interest or dividend on any such security may if the circumstances appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer or to receive the interest or dividend.

(2) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation may require.

Closing of registers.

138. The Corporation may close any transfer books or the registers of transfers of mortgages or other authorised securities as the case may be on any day in the month next before that in which an instalment of interest on such mortgages or other securities is payable but so that the books be not at any time kept closed for more than one month.

Receipt in case of persons not sui juris.

139. If any money is payable to the holder of any security of the Corporation and the holder is a minor idiot or lunatic the receipt of the guardian or the committee or receiver of his estate shall be a sufficient discharge to the Corporation.

PART XII.

MISCELLANEOUS.

Acceptance of gifts of property.

140.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the borough and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from the general rate they may subject to any condition or restriction attaching to such power expend moneys so raised in the execution of such works in relation to the subject-matter of the gift.

(2) This section shall not extend to property relating to affairs of the church within the meaning of the Local Government Act 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) Accounts of the income and expenditure of the Corporation under this section shall be kept by the treasurer and shall be made up and audited as part of the general accounts of the Corporation.

Extension of section 2 (3) of Public Health Interments Act 1879.

141.—(1) Subsection (3) of section 2 of the Public Health Interments Act 1879 shall be extended to enable the Corporation to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument either in a cemetery provided under the Public Health Acts 1875 to 1925 or in a burial ground provided under the Burial Acts 1852 to 1906.

(2) Any such sum shall be invested in statutory securities and the interest thereof applied in maintaining the grave or grave space or monument in such manner as the Corporation think fit.

(3) Any such capital sum and the interest thereof shall be shown separately in the accounts of the Corporation relating to their cemetery but otherwise the said interest shall be paid into the fund to which receipts derived from the cemetery are paid.

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Dwelling-houses for employees offices &c.

142.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

Water for extinguishing fires.

143. If the officer in charge of the fire brigade when engaged in the extinguishment of any fire has reason to believe that a supply of water is available on private lands or premises which may or may not be in danger from such fire he or any fireman acting under his orders may enter upon such lands and premises with hose and other necessary apparatus for the purposes of utilising such water supply doing as little damage as may be.

Reasonable payment for any water so utilised and compensation for any damage done in exercise of the powers of this section shall be paid by the Corporation as hereinafter provided and shall be chargeable as fire brigade expenses :

Provided that the Corporation shall not be required to pay for any water so utilised which is taken from any river whether such water has been impounded or not nor to pay for any water so utilised or make compensation for damage done in the exercise of the powers of this section if the water taken or the property damaged is in the same ownership as the premises which are in danger from the fire.

Extension of section 108 of Act of 1897.

144. Section 108 (Power to police constable &c. to enter and break open premises in case of fire) of the Act of 1897 shall be extended so as to enable any police constable acting under the orders of his superintendent or inspector or any member of the fire brigade of the Corporation being on duty and any officer of the Corporation attending at any fire in the district of a local authority with whom the Corporation have entered into an agreement for the use of their fire brigade to enter and break

into any building whether in the borough or not and being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto and the said section shall accordingly be read and have effect as if the words "in the borough" were omitted therefrom.

Compensation for injuring lamps &c.

145. Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post street danger signal street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish street sand bin fire alarm or street box provided in connection with the supply of electricity being the property of the Corporation shall make full compensation to the Corporation for the damage done and the amount of such compensation to an amount not exceeding ten pounds shall be recoverable summarily as a civil debt.

Protection of seals &c. on gas and electricity meters &c.

146. The provisions of section 38 (Penalty for injuring meters) of the Gasworks Clauses Act 1871 which are incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus fixed or inserted in connection with any supply of gas or electricity by the Corporation within a consumer's premises or who opens or suffers to be opened otherwise than by a duly authorised officer or servant of the Corporation any such sealed or locked receptacle meter or apparatus.

Noise nuisance.

147.—(1) A noise nuisance shall be liable to be dealt with in accordance with the provisions relating to nuisances of the Public Health Act 1875 Provided that no complaint shall be made to a justice under section 105 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (*a*) is injurious or dangerous to health and (*b*) is capable of being prevented or mitigated having due regard to all the circumstances of the case:

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Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

(3) Nothing contained in this section shall apply to a railway company or their servants exercising statutory powers.

Regulation of petroleum filling stations.

148.—(1) Section 11 (Byelaws as to petroleum filling stations) of the Petroleum (Consolidation) Act 1928 in its application to the borough shall be extended so as to empower the Corporation to make byelaws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street.

(2) After the commencement of this Act no petroleum filling station shall without the consent of the Corporation be erected on any land in the borough so as to be adjacent to any street or so that any carriageway forming part of the station communicates directly with any street but the Corporation shall not refuse to give such consent as aforesaid except for the purpose of preventing obstruction to traffic.

(3) Any person aggrieved by the refusal of the Corporation to give their consent under subsection (2) of this section may within fourteen days after the refusal has been communicated to him appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk Notice of the right to appeal shall be endorsed on every communication of the refusal of the Corporation to give their consent.

(4) If any person erects or permits to be erected any petroleum filling station in contravention of the provisions of subsection (2) of this section he shall without prejudice to any other proceedings which may be taken against him be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding five pounds and any person so convicted shall within such time as the court may allow do all such things as may be necessary to remove any petroleum filling station erected in contravention of this section and if he fails to do so he shall be deemed to commit a continuing offence and shall

be liable on conviction thereof to a daily penalty not exceeding forty shillings.

(5) In this section the expression "petroleum filling station" has the same meaning as in the Petroleum (Consolidation) Act 1928.

Display of advertisements.

149.—(1) The Corporation may serve a notice on the owner or occupier of any land within the borough in respect of any serious injury to the amenities of any public open space within the borough which may be caused by the display of advertisements on such land requiring him within a reasonable time to be specified in the notice to take such action and to execute such works including works of removal as may be necessary to abate the injury.

(2) If the person on whom the notice is served fails to comply therewith the Corporation may cause a complaint relating to the injury to be made to a court of summary jurisdiction and that court may issue a summons requiring the person to appear before them and if satisfied that the alleged injury exists may make an order requiring the person to comply with the requisition or otherwise to abate the injury and to do any works necessary for the purpose within a time specified in the order.

(3) If any person fails to comply with the requirements of subsection (2) of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) Any order made under subsection (2) of this section may also empower the Corporation themselves to undertake the necessary works and to recover the cost from the person against whom the order is made if such person fails to comply with the order.

(5) The provisions of this section in regard to advertisements shall be in addition to and not in derogation of the provisions of the Advertisements Regulation Acts 1907 and 1925.

(6) Nothing in this section shall apply to—

(*a*) advertisements upon land relating solely to any trade or business carried on or to any entertainment or meeting auction or sale to

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be held upon or in relation to such land or any property thereon or to advertisements on the door or in the window of a building if the advertisements do not in either case contain letters figures or advertising emblems exceeding six inches in height and do not (except where affixed to and not projecting above a vertical wall of a building) exceed a height of twelve feet from the ground;

(*b*) (for a period of five years from the passing of this Act) hoardings or similar structures erected or in use for advertising purposes prior to that date and any advertisement displayed thereon during that period or any other advertisement displayed at the date of the passing of this Act;

(*c*) advertisements on or upon any railway station yard platform or railway approach or any canal dock wharf lock or toll station belonging to a railway company.

Restriction on erection of temporary stands &c.

150.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for twenty or more persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such conditions as the Corporation may prescribe for securing the stability of such stand or structure and protection against fire and for securing the safety of persons to be accommodated thereon.

(2) Any person acting in contravention of this section or offending against any such condition shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any person who is a roundabout proprietor or travelling showman.

Recovery of rate from persons removing.

151. If a justice is satisfied on complaint by any rate collector that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate which may be due from him and

intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

As to recovery summarily of sums due for fittings.

152. If the Corporation commence proceedings for the summary recovery of any sum due for the supply of gas or electricity any other sum due or payable to the Corporation by the same consumer in respect of the sale or hire of any meter apparatus or fittings supplied by them for or in connection with the consumption or use of gas or electricity (as the case may be) or in respect of the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily as a civil debt together with the sum due for the supply of gas or electricity (as the case may be) provided that the sum so included as aforesaid does not exceed twenty pounds in any one summons.

Several sums in one summons.

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

Service of summons on members of council.

154. Notwithstanding anything contained in the Second Schedule to the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage and shall be deemed to be duly sent transmitted or served if sent by post as aforesaid addressed to such member at his last or usual place of abode.

Service of notices &c.

155. Notices and demand notes orders or other documents in respect of charges leviable by and due to the Corporation may be served in the same manner as notices demand notes orders or other documents under the Rating and Valuation Act 1925 are by section 59 (Service of notices &c.) of that Act authorised to be served.

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Expenses may be declared private improvement expenses.

156. The Corporation 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.

In executing works for owner Corporation liable for negligence only.

157.—(1) Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the borough 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 Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the sanitary inspector 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 Corporation 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.

(2) Section 75 (In executing works for owner Corporation to be liable for negligence only) of the Act of 1921 is hereby repealed.

Breach of conditions of consent of Corporation.

158. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation 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.

Consents of Corporation to be in writing.

159. All consents given by the Corporation under the provisions of this Act or of any local Act Order bye-law or regulation for the time being in force within the borough shall be given in writing and unless otherwise

prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation. A.D. 1933.

Apportionment of expenses in case of joint owners.

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

Power to enter premises.

161. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part VII (Streets buildings sewers and drains) Part VIII (Infectious disease and sanitary matters) and Part IX (Human food) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

162. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part VII (Streets buildings sewers and drains) or Part VIII (Infectious disease and sanitary matters) 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 work required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

General provisions as to byelaws.

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

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the powers of this Act other than byelaws made under Part IV (Electricity) of this Act or under the section of this Act of which the marginal note is "Regulation of petroleum filling stations."

As to appeals.

164. 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 Corporation or of or by any officer of the Corporation under the provisions of Part VII (Streets buildings sewers and drains) Part VIII (Infectious disease and sanitary matters) or Part IX (Human food) of this Act or by any 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 Corporation may in like manner appeal.

Recovery of penalties &c.

165. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs 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 or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

166. 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 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.

167. 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 manner provided by the Public Health Acts.

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Application of Arbitration Act 1889.

168. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Application of section 265 of Public Health Act 1875.

169. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Application of section 98 of Act of 1897.

170. Section 98 (Inquiries by and expenses of Local Government Board) of the Act of 1897 shall apply and have effect as if it was re-enacted in this Act and as if for the words "three guineas" in subsection (2) of the said section there were substituted the words "five guineas."

Crown rights.

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

Costs of Act.

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

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The SCHEDULE referred to in the foregoing Act.

Provisions as to Colne Corporation Bonds.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

2. (*a*) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine and interest shall be payable on bonds on the first day of April and the first day of October in any year If a bond becomes repayable at a date other than the first day of April or the first day of October the interest on the bond from the first day of April or the first day of October as the case may be until the date of repayment of the bond shall be apportioned and paid to the holder of the bond If a bond is issued on a date between the first day of April and the first day of October or on a date between the first day of October and the first day of April and becomes repayable before the first day of October or the first day of April as the case may be the interest on the bond between the date of the issue and the date of the repayment thereof shall be apportioned and paid to the holder of the bond.

(*b*) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(*c*) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the office of the treasurer to the Corporation on the dates specified in the certificates issued in respect of bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer to the Corporation shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(*a*) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(*b*) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.

BOROUGH OF COLNE.

COLNE CORPORATION BONDS.

per centum Colne Corporation bond repayable at par
19 at the

This is to certify that
of is the
registered holder of a Bond for
pounds issued by the Corporation of Colne under the Colne Corporation Act 1933 at

(Signed)

Treasurer to the Corporation.

Date

A.D. 1933.

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a Corporation bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

COLNE CORPORATION BOND[S].

I in consideration of the sum of paid by (hereinafter called "the transferee") do hereby assign and transfer to the transferee :—

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the transferee do hereby agree to accept and take the said bond[s] subject to the conditions aforesaid.

As witness our hands and seals this day of

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Colne Corporation bonds" (hereinafter called "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

9.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

10. No notice of any trust shall be entered in the register or in any other book kept by the Corporation or be receivable by the Corporation.

11.—(1) If at any time any interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes for which he was appointed and shall pay any balance remaining in his hands into the general rate fund.

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