CHAPTER cxii.

A.D. 1936.

An Act to provide for the transfer to the urban district council of Dalton-in-Furness of the Dalton gasworks to confer further powers upon that Council with respect to their gas and other undertakings and to make further provision in regard to the health local government improvement and finance of the urban district of Dalton-in-Furness and for other purposes.

[31st July 1936.]

WHEREAS the urban district of Dalton-in-Furness in the county palatine of Lancaster (hereinafter called "the district") is under the local government of the urban district council of Dalton-in-Furness (hereinafter called "the Council"):

And whereas in the year eighteen hundred and fifty-three certain gasworks known as "the Dalton gasworks" were erected with moneys the produce of sales to the Furness Railway Company of common land belonging to the property owners of the division or township of Dalton Proper on a piece of land in the parish of Dalton which was conveyed by an indenture dated the tenth day of October eighteen hundred and fifty-three by the said railway company to Joseph Rawlinson Matthew Denny George Ashburner John Fisher William Butler and James Davis and in the said indenture it was expressed that the said piece of land was to be appropriated and used as and for a

A.D. 1936.

site of gasworks for the town and neighbourhood of Dalton-in-Furness:

And whereas the said gasworks and the undertaking in connection therewith are controlled by a committee of management which is elected from time to time by the owners of property ratepayers and gas consumers of the part of the district comprising the division or township of Dalton Proper:

41 & 42 Vict. c. lxiii.

And whereas the Dalton-in-Furness District Local Board Act 1878 empowered the local board for the district of Dalton-in-Furness to purchase the said gasworks but the said board did not purchase the said gasworks in pursuance of those powers:

And whereas it is expedient to provide for the transfer to the Council of the said gasworks and undertaking in connection therewith and to enact in regard thereto the provisions contained in this Act:

And whereas the Council are authorised to supply gas in the district and are supplying gas in part of the district and it is expedient that further powers should be conferred upon them with respect to their gas undertaking:

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

And whereas it is expedient that further provision should be made with regard to the finances of the Council and the application of the revenue of their several 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 an estimate has been prepared by the Council for the purposes hereinafter mentioned and such estimate is as follows:—

	£
For the alteration enlargement extension improvement or renewal of the Council's gasworks for the provision of new gas mains and the extension of gas mains - - - - -	20,000

A.D. 1936.

And whereas the several works included in such estimate are permanent works and it is expedient that the Council should be empowered to borrow money for those purposes as provided by this Act:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed: 23 & 24 Geo. 5. c. 51.

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

PART I.

PRELIMINARY.

Short and collective titles.

1.—(1) This Act may be cited as the Dalton-in-Furness Urban District Council Act 1936.

(2) The Dalton-in-Furness District Local Board Act 1878 the Order of 1887 and this Act may be cited jointly as the Dalton-in-Furness Urban District Council Acts and Order 1878 to 1936.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Transfer of undertaking.
Part III.—Supply of gas.
Part IV.—Streets buildings sewers and drains.
Part V.—Infectious disease and sanitary matters.
Part VI.—Finance.
Part VII.—Miscellaneous.

Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

"The district" means the urban district of Dalton-in-Furness;

A.D. 1936.

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

"The clerk" "the treasurer" "the medical officer" "the surveyor" and "the sanitary inspector" mean respectively the clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the Council;

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

"The undertaking" means the piece of land with the works dwelling-house out-offices and appurtenances now standing thereon conveyed by the hereinbefore mentioned indenture of the tenth day of October eighteen hundred and fifty-three and the undertaking carried on thereon or in connection therewith and known as the Dalton gasworks and all mains pipes plant meters fittings apparatus and effects belonging thereto or held or occupied or used in connection therewith whatsoever and wheresoever situate subject to all duties obligations liabilities incumbrances contracts and engagements in any way affecting the same and subsisting immediately before the day of transfer and the expression includes all rights of making distributing and supplying gas and all other rights easements powers authorities and privileges of the trustees and all property assets and effects whatsoever and wheresoever and whether real or personal including books documents papers office furniture stock in trade and other movable chattels of any kind cash balances and all other interests rights in the property and obligations and things in action of or belonging to the trustees immediately before the day of transfer;

"The trustees" means the person or persons in whom the legal estate in the property conveyed by the hereinbefore mentioned indenture of the tenth day of October eighteen hundred and fifty-three is vested immediately before the

day of transfer and the committee of management for the time being of the undertaking or such person or persons or such committee;

"The day of transfer" means the first day of October nineteen hundred and thirty-six;

"The limits of supply" means the limits within which the Council are for the time being authorised to supply gas;

"The gas undertaking" means the gas undertaking of the Council for the time being authorised;

"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 district and includes any other infectious disease which the Minister may by order under section 60 of the Public Health Act 1925 declare to be a dangerous infectious disease; 52 & 53 Vict. c. 72. 15 & 16 Geo. 5. c. 71.

"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; 18 & 19 Geo. 5. c. 31.

"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;

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

"Statutory borrowing power" includes a power of borrowing money conferred on the Council by or under any enactment except paragraph (*a*) of subsection (1) of section 215 (Temporary loans &c.) of the Local Government Act 1933;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament of any county council or municipal corporation or other local

A.D. 1936.

authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any security of the Council;

38 & 39 Vict. c. 83.

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

"The revenues of the Council" includes the general rate fund and all rates Exchequer contributions and other revenues whether arising from land or undertakings or from any other source receivable by the Council;

"The Minister" means the Minister of Health;

38 & 39 Vict. c. 55.

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

"The Order of 1887" means the order relating to Dalton-in-Furness made by the Local Government Board on the second day of June eighteen hundred and eighty-seven and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1887;

50 & 51 Vict. c. cxi.

"The Act of 1933" means the Local Government Act 1933.

PART II.

TRANSFER OF UNDERTAKING.

Transfer of undertaking.

4.—(1) On the day of transfer the undertaking shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council without any consideration subject to the provisions of this Act.

(2) The production of a King's Printer's or Royal Assent copy of this Act together with the indenture dated the tenth day of October eighteen hundred and fifty-three and made between the Furness Railway Company of the one part and Joseph Rawlinson Matthew Denny George Ashburner John Fisher William Butler and James Davis of the other part shall be

conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the undertaking.

(3) Section 8 (Trustees to sell and board to purchase gasworks) and section 9 (How sale of gasworks to be effected) of the Dalton-in-Furness District Local Board Act 1878 are hereby repealed.

Council to pay debts and to be entitled to rents after transfer.

5. The Council shall pay and discharge (so far as the same shall not have been previously discharged by the trustees) the debts outgoings and liabilities (other than debts outgoings and liabilities in respect of any contract agreement liability or other obligation made or entered into in contravention of the provisions of section 6 (Exercise of powers until transfer) of this Act) properly chargeable against the trustees and shall indemnify the trustees from all claims in respect thereof and shall be entitled to all rates rents profits and other receipts receivable in respect of the undertaking.

Exercise of powers until transfer.

6. Until the day of transfer the trustees shall maintain and carry on the undertaking as heretofore in the ordinary course of business maintaining normal quantities of consumable stores but the trustees shall not without the previous consent of the Council under the hand of the clerk make or enter into any new contract agreement liability or other obligation in respect thereof which shall extend beyond the day of transfer nor increase the salary or wages of any of their officers or servants nor vary any of the rates rents or charges which were being demanded and taken by the trustees on the first day of November nineteen hundred and thirty-five.

Actions not to abate.

7. If on the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding shall be pending or existing against or in favour of the trustees in relation to any property debt liability or obligation transferred to the Council the same shall not abate or be discontinued or in anywise prejudicially affected by reason of such transfer but the same (save so far as it relates to any contract agreement liability or other obligation made or entered into in contravention of the provisions of section 6 (Exercise of powers until transfer) of this Act) may be continued prosecuted and enforced by or against or in favour of the Council as and when it might have been continued prosecuted

A.D. 1936. and enforced by against or in favour of the trustees if this Act had not been passed.

Contracts with trustees to be binding on Council.

8. All agreements conveyances contracts deeds and other instruments entered into or made with or by the trustees and in force on the day of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Council and may be enforced as fully and effectually as if instead of the trustees the Council had been a party thereto The Council shall indemnify the trustees against all claims and demands under such agreements conveyances contracts deeds and other instruments:

Provided that no agreement conveyance contract deed or other instrument shall be binding on or of any force or effect against or in favour of the Council if entered into or made in contravention of the provisions of section 6 (Exercise of powers until transfer) of this Act.

Charges to continue in force.

9. All rates rents and charges in connection with the undertaking which have been lawfully made charged or imposed and which on the day of transfer are due or if this Act had not been passed would have accrued due shall continue in force and be due and payable to and may be collected recovered or enforced by the Council as and when the same might have been payable to and collected recovered or enforced by the trustees if this Act had not been passed.

Books and documents.

10. 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 trustees shall be admitted in evidence in respect of the same or the like matter for or against the Council.

Officers of trustees to be accountable for books &c.

11. All officers and persons who on the day of transfer have in their possession or under their control any books documents papers money or effects forming part of the undertaking shall be liable to account for and deliver up the same to the Council or to such persons as the Council may appoint to receive the same and shall be subject to the same consequences on refusal or neglect as if such officers and persons had been appointed by and become possessed of such books documents papers money and effects for the Council.

A.D. 1936.

Inspection of books &c.

12. The Council before the day of transfer and thereafter the trustees their solicitors and agents shall be entitled to have access to and take copies of all documents to be handed over or handed over to the Council so far as the same may be necessary for the purpose of enabling the Council or the trustees to execute any of the provisions of this Act and the Council shall also be entitled at any time and for the like purpose to have access to and to take copies of all documents to be retained by the trustees.

As to existing officers.

13.—(1) The Council shall either take over and employ in suitable positions on the day of transfer Albert Edward Shrimpton the secretary of the trustees and William Henry Churchman the gas manager of the trustees at salaries and on terms of employment not less favourable to such persons than those governing their employment on the twenty-seventh day of November nineteen hundred and thirty-five with the trustees or pay to those persons compensation in accordance with subsection (2) of this section.

(2) The Council shall pay compensation to either of the officers mentioned in subsection (1) of this section who shall not be taken over by the Council and employed in the same or similar office and at the same or like salary and on the same or like terms and conditions in at and on which they were respectively employed by the trustees on the twenty-seventh day of November nineteen hundred and thirty-five in respect of any loss of office or diminution of salary or emoluments by reason of the transfer of the undertaking to the Council and such compensation in default of agreement shall be determined in accordance with the provisions of the Fourth Schedule of the Act of 1933 which so far as applicable shall apply thereto as if the words "the Council" were substituted for the words "the local authority" and "authority" wherever they occur therein.

As to existing servants.

14. The Council shall pay to any person (other than the persons mentioned in the immediately preceding section of this Act) employed by the trustees at or immediately before the day of transfer and who is not taken over by the Council compensation in accordance with the provisions of the scheme of the National

A.D. 1936.

Joint Industrial Council for the Gas Industry dated the twenty-ninth April nineteen hundred and thirty relating to compensation for loss of employment on the amalgamation of gas undertakings.

PART III.

SUPPLY OF GAS.

Maintenance and construction of gasworks &c.

15. On and after the day of transfer the Council may upon the lands described in Part I of the schedule to this Act so long as they are possessed of the same maintain and continue the gasworks of the trustees and may upon those lands and upon the lands described in Part II of the said schedule so long as they are possessed of the same erect maintain alter extend improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may also upon all the said lands work up and convert residual products arising directly or indirectly from the manufacture of gas by them or purchased by them under the powers conferred by section 4 of the Gas Undertakings Act 1929 and for this purpose the Council may purchase from any source and use such material as is required to work up and convert any such residual products.

19 & 20 Geo. 5. c. 24.

Power to lay pipes for ancillary purposes.

16. The Council may within the limits of supply lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with the gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable to the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof:

10 & 11 Vict. c. 15.

Provided that no such main pipe or culvert shall be laid down in any street unless the consent in writing of the persons having the control or management of the street or being responsible for the repair thereof

shall first have been obtained but such consent shall not be unreasonably withheld and any difference arising between the Council and such persons shall be determined by arbitration. A.D. 1936.

Power to supply gas fittings &c.

17.—(1) The Council may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purpose (in this section referred to as "fittings") and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed.

(2) Any fittings let for hire by the Council under the foregoing provisions of this section and marked or impressed with a sufficient mark or brand indicating the Council or their predecessors as the actual owners thereof—

(*a*) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be; and

(*b*) shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Council.

(3) Article II of the Order of 1887 is hereby repealed.

As to construction and placing of pipes &c.

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

(1) The Council 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

A.D. 1936.

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 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 Council shall publish once in the London Gazette and once in each of two newspapers circulating within the limits of supply a notice in a form to be approved by the Board of Trade of any application made by them to the Board for approval of any specification which notice shall specify a place at which a copy of the proposed specification has been deposited for public inspection and shall contain an intimation 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 Council 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 gas office of the Council and copies of every such specification shall be purchaseable by any person at the said office at the price of sixpence for each copy:

(3) When at any time after any such specification has come into force any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Council 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 Council 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 Council 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 Council or until the pipe or fittings as laid or placed has or have been inspected and approved by the Council whichever shall first happen:

(6) Any officer of the Council duly appointed may between nine o'clock in the morning and five 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 pipe or fittings is or are not according to the appropriate specification of the Council 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 Council'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 Council the like notice and the Council shall have the like rights of inspection

A.D. 1936.

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 Council may refuse to supply gas to the premises until the provisions of this section have been complied with :

Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Council 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—

(*a*) elsewhere than between the main of the Council and the meter; or

(*b*) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over :

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

Inspection and testing of meters.

19.—(1) The Council's inspectors or servants shall at all reasonable times have access to and be at liberty to inspect take off remove test repair and replace meters which are the property of the Council and meanwhile to fix a substituted meter on the premises such inspection taking off removal testing repairing and replacing to be done at the expense of the Council.

(2) The expense of changing and testing such a meter which at the request of a consumer has been tested in manner provided by regulations made by the Board of Trade under the Gas Regulation Act 1920 and found to register erroneously to a degree exceeding

10 & 11 Geo. 5. c. 28.

the degree admissible under the said regulations shall be borne by the Council but if the meter has been found not so to register erroneously shall be borne by the consumer. A.D. 1936.

Charges for special reading of meters.

20. When at the request of and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Council may levy and recover such charges as they think fit not exceeding one shilling for each such special reading.

Relief from obligation to supply.

21.—(1) Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Council is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the area of supply of the Council for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Council notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

(*a*) a new supply of gas for the premises of any person demanding such supply; or

(*b*) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Council.

(2) The foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Council—

(*a*) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Council may reasonably require; or

A.D. 1936.

(*b*) to make such payment or payments to the Council (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Council may reasonably require;

(according as the Council may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Council in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Council may reasonably demand.

(3) If any question shall arise under the provisions of this section between the Council and the applicant as to the sufficiency of the distribution works of the Council or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Council or as to the nature or amount of the security demanded by the Council such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Council and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding.

(4) In determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say):—

(*a*) The total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Council may be called upon to supply gas to the applicant;

(*b*) The capital expenditure which the Council would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution

works as aforesaid in connection with the giving of such new or increased supply; and

(*c*) How far such capital expenditure may become unproductive to the Council in the event of the cesser of the new or increased supply.

Price of gas.

22.—(1) As from the declared date the price to be charged by the Council for gas supplied by them to consumers by meter shall not at any time exceed eighteen pence per therm:

Provided that the Council may charge for gas supplied by them from the gasworks transferred to them from the trustees by virtue of Part II of this Act or any extension of those works a price which is less than the price charged by them for any other gas supplied.

(2) As from the declared date section 20 (Price of gas) of the Dalton-in-Furness District Local Board Act 1878 shall be repealed.

Declaration of calorific value.

23.—(1) Within three months from the day of transfer the Council shall give notice by advertisement in the London Gazette of the calorific value of the gas which they intend to supply (in this Act called "the declared calorific value") and of the date (in this Act called "the declared date") from which they will supply gas of the declared calorific value which date shall not be more than three months from the date of the notice.

(2) After the declared date the charges which the Council may make in respect of the supply of gas shall be such charges as are by this Act authorised for thermal units supplied in the form of gas:

Provided that this subsection shall have effect as respects the charges to any particular consumer as from the first reading by the Council of that consumer's meter after the declared date and not earlier.

(3) A copy of the notice referred to in subsection (1) of this section shall be sent to every local authority and to every consumer and to the Board of Trade.

Measure of therms supplied.

24. The number of therms supplied to any consumer shall be ascertained by multiplying the number of cubic feet of gas registered by his meter by the number of British thermal units comprised in the declared calorific value and dividing the product by one hundred thousand.

A.D. 1936.

Variation of declared calorific value.

25. If at any time the Council intend to alter the declared calorific value they shall give notice of their intention to supply as from a date to be therein specified and being not less than three months from the date of the notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified be the declared calorific value for the purposes of this Part of this Act The notice required by this section shall comply with the requirements of this Part of this Act with regard to the notice in which the calorific value was originally declared.

Adjustment of consumers' burners.

26. If and so often as the Council shall alter the declared calorific value they shall at their own expense effect such alteration adjustment or replacement of the burners in consumers' appliances as may be necessary to secure that the gas can be burned with safety and efficiency except in the case of any consumer who objects to such alteration adjustment or replacement as aforesaid.

Pressure.

27.—(1) If the declared calorific value is less than three hundred and fifty British thermal units and not below three hundred British thermal units the minimum permissible pressure at which the gas may be supplied shall be two and one-half inches.

(2) If the declared calorific value is below three hundred British thermal units the minimum permissible pressure shall be such pressure (not being less than three inches) as shall be prescribed by the gas referees.

Application of Gas Regulation Act 1920.

28. The following sections of this Act (namely):—

Section 22 (Price of gas);

Section 23 (Declaration of calorific value);

Section 24 (Measure of therms supplied);

Section 25 (Variation of declared calorific value);

Section 26 (Adjustment of consumers' burners);

Section 27 (Pressure);

shall have effect as though the provisions thereof were contained in an order made on the day of transfer by the Board of Trade under section 1 of the Gas Regulation Act 1920.

A.D. 1936.

Charge for hire of prepayment meters.

29.—(1) The charge made by the Council for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be three decimal six pence per therm if a cooking stove is included and threepence per therm if a cooking stove is not included.

(2) The charge made by the Council for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the number of therms supplied (when the maximum charge shall be one decimal eight pence per therm) or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(3) The said charges shall include the providing letting fixing repairing and maintenance of the meter and fittings or of the meter (as the case may be) and the cost of collection and other costs incurred by the Council in connection therewith.

(4) For the purposes of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Service of gas notices and demand notes.

15 & 16 Geo. 5. c. 90.

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

For protection of London Midland and Scottish Railway Company.

31. The following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter referred to as "the railway company") shall unless otherwise agreed between the Council and the railway company be in force and have effect:—

(1) In laying down or executing or (except in cases of emergency) in effecting the repairs and renewals of any mains pipes or other works of the Council upon across over under or in any way affecting the railways or works belonging to the railway company the same shall be done under the

A.D. 1936.

superintendence if the same be given and to the reasonable satisfaction of the principal engineer of the railway company and (except in cases of repair) according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Council:

Provided that if the said engineer shall not express his disapproval of such plans and of the grounds of such disapproval within twenty-one days from the submission thereof he shall be deemed to have approved thereof:

(2) The Council shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain so far as the same may be disturbed or interfered with by or owing to any operations of the Council and all the works matters and things aforesaid shall be constructed executed and done so as to cause as little injury as may be to the railways and works of the railway company or interruption to the passage or conduct of traffic over such railways or at any station thereon:

(3) If any such injury or interruption as aforesaid shall arise from any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works not being due to the acts or defaults of the railway company the Council shall make compensation in respect thereof to the railway company:

(4) Any dispute or difference which may arise between the railway company and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall failing agreement be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

PART IV.

STREETS BUILDINGS SEWERS AND DRAINS.

Formation of new streets.

32.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected or built abutting on such new street or part of a new street if required by the Council so to do construct the carriageway of such new street or such part of the new street as may be required by the Council with a foundation of suitable materials and of sufficient depth to be capable of carrying the traffic which will make use of the same and shall also if required sewer such street or such part of the street:

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Council shall not be empowered to require such new street to be constructed in its entire length by one operation but such new street may be constructed in parts and in such event nothing in this section shall prevent the erection or building of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with.

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 or under the local Acts for the time being in force within the district.

55 & 56 Vict. c. 57.

(3) Any person offending 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.

Streets broken up to be reinstated.

33.—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up.

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

A.D. 1936.

Banners signs &c. over streets.

34.—(1) If it appear to the Council that any banner streamer notice board sign or lettering suspended across any street or hung over any part of the carriageway of a street whether before or after the date of the passing of this Act 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 street across or over which or any part of which it is suspended or hung they may by notice in writing require the owner of or person responsible for the suspension or hanging of such banner streamer notice board sign or lettering to remove it within such period not being less than seven days 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 notice board 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 the same or any similar banner streamer notice board sign or lettering without the permission in writing of the Council or without complying with any conditions attached to any such permission shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Council may themselves remove any such banner streamer notice board sign or lettering and any expense incurred by them in so doing may be recovered by them from such person.

(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 notice board sign or lettering as is referred to in subsection (1) hereof which was in use on the first day of November nineteen hundred and thirty-five.

(4) Any person aggrieved by any requirement of any notice of the Council or by the withholding of permission of the Council or the conditions attached to any such permission under the provisions of this section may within fourteen days after the service of such notice or the intimation to him of such withholding of permission or of the imposition of such conditions appeal to

a court of summary jurisdiction provided he give forty-eight hours' written notice of such appeal and of the grounds thereof to the clerk 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.

Notice of the right of appeal shall be endorsed on every notice or intimation of the Council under this section.

(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.

Projecting signs.

35.—(1) No person shall without the consent of the Council 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 Council under this section may be given subject to such terms and conditions as the Council may think fit and 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.

(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 Council of any consent under the provisions of this section or the terms or the conditions (if any) attached to such consent may within fourteen days from the date of the decision of the Council appeal to a court of summary jurisdiction.

(*b*) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the clerk before lodging the appeal.

A.D. 1936.

(*c*) On any such appeal the court may make such order and on such terms and conditions as the court may think fit and may award costs.

Fire-plugs.

36. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

Provisions as to forecourts.

37.—(1) If the Council shall by resolution determine that any stall structure or other erection on any forecourt is by reason of its character injurious to the amenities of the street in which the forecourt is situate they may by notice in writing require the owner of or person responsible for the 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 the stall structure or other erection as may be necessary to prevent it from being injurious to the amenities of such street:

Provided that this subsection shall not apply to any notice or announcement board or similar erection of a temporary character for the display of any advertisement or statement relating to the occupier's own business.

(2) Any person who neglects or refuses 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) (*a*) Any person aggrieved by any requirement of any notice of the Council 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 Council.

(*b*) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the clerk before lodging the appeal.

(*c*) On any such appeal the court may make such order as it thinks fit and may award costs.

(*d*) Notice of the right of appeal shall be endorsed upon every notice served by the Council under this section.

A.D. 1936.

Elevations of new buildings &c.

38.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 shall be extended so as to empower the Council to make byelaws providing in such manner as they may think necessary that any person intending to erect—

(*a*) a new building; or

(*b*) an addition to an existing building (including the reconstruction of an existing part of any such building); or

(*c*) a chimney exceeding forty-five feet from the ground in height;

shall furnish the Council with drawings or other sufficient indication of the design or external appearance of the building addition to existing building or chimney including such indication of the materials to be used in its construction as may be necessary for the purpose (in this section called collectively "specifications").

(2) Where specifications are required to be submitted to the Council by a byelaw made under the said section 157 as extended by this section the Council shall within one month after the submission to them of the specifications by notice in writing—

(*a*) approve the specifications; or

(*b*) if they shall consider that having regard to the character of the locality and of the neighbouring buildings the building or addition or chimney to which the specifications relate would seriously disfigure the neighbourhood on account of its height design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds of the disapproval.

The grounds on which a person may appeal under section 103 (As to appeals) of this Act shall include the ground that compliance with the Council's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(3) (*a*) Where by reason of any improvement made by the Council any land shall become land which adjoins

A.D. 1936.

or abuts on any street and the owner lessee or occupier of any such land shall construct—

(i) any door or entrance communicating with that street; or

(ii) any wall or fence by the side of that street;

he shall construct the door entrance wall or fence in such position and in accordance with such elevations (also in this section referred to as "specifications") as may be approved by the Council and the Council shall make compensation to the owner of any land for any loss or damage he may suffer by reason of the setting back or bringing forward of such wall or fence If the Council shall not signify their approval or disapproval of the specifications submitted under this section within one month after they shall have been submitted they shall be deemed to have approved thereof.

(*b*) Any person deeming himself aggrieved by any disapproval by the Council under this subsection may within fourteen days from the date of notification thereof to him appeal against their decision 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.

(*c*) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the clerk before lodging his appeal.

(4) Where the specifications of a building addition chimney door entrance wall or fence have been disapproved under this section it shall not be lawful to erect the building addition chimney door entrance wall or fence until the specifications thereof have been approved by the Council and any person who offends 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.

(5) The provisions of paragraph (*b*) of subsection (1) of this section shall not apply to a hoarding which is used solely for the purpose of billposting.

(6) The provisions of this section shall to the extent that the subject matters thereof are dealt with by provisions in a planning scheme coming into operation after the passing of this Act cease to have effect upon the coming into operation of such provisions.

A.D. 1936.

Extension of section 157 of Public Health Act 1875.

39.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 shall be extended so as to empower the Council to make byelaws—

(*a*) with respect to the number of dwelling-houses which may be erected in one block or in one continuous row;

(*b*) with respect to the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;

(*c*) with respect to the situation construction and height of walls or fences upon or across such open space;

(*d*) with respect to the materials with which new buildings shall be constructed;

(*e*) for requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health;

(*f*) for requiring that every fireplace opening or chimney opening in a new building shall have a sufficient hearth extending throughout the length and depth of such opening;

(*g*) with respect to the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or re-set 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;

(*h*) with respect to 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;

(*i*) with respect to the adequate lighting of buildings;

(*j*) with respect to the testing of drains of new buildings;

(*k*) with respect to the securing that waterclosets shall be so constructed and supplied with water

A.D. 1936.

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 the prevention of the improper use of such closets and of the blocking of the pipes therefrom;

(*l*) with respect to the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;

(*m*) for 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 passage of gas into the building through such hole otherwise than by means of a gas main or pipe;

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

(2) Any byelaws made under paragraphs (*e*) (*g*) (*h*) (*i*) (*m*) or (*n*) 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 the said paragraph (*n*) is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157.

(3) The said section 157 shall also in its application to the district be read and have effect as if it empowered the Council to require by byelaws the deposit of plans and sections by persons intending to construct any drain in connection with a building.

Food storage accommodation.

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

(2) (*a*) Every existing dwelling-house and every dwelling-house the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with sufficient and properly

ventilated larder or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after six weeks' notice from the Council requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(*b*) Any person aggrieved by any requirement of the Council under this subsection may appeal to a court of summary jurisdiction within twenty-eight days after the service of such notice.

(*c*) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the clerk before lodging the appeal.

(*d*) On any such appeal the court may make such order as it thinks fit and may award costs.

(*e*) Notice of the right of appeal shall be endorsed on every requirement of the Council under this subsection.

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

Extension of section 23 of Public Health Acts Amendment Act 1890. 53 & 54 Vict. c. 59.

41. Section 23 of the Public Health Acts Amendment Act 1890 (which section extends section 157 of the Public Health Act 1875) in its application to the district shall have effect as if—

(*a*) the power given by subsection (1) thereof to make byelaws with respect to secondary means of access were extended so as to enable the Council to require every person who shall erect fronting a street or intended street terraces or other continuous blocks of houses not giving access through their own ground to the backs of such houses to make and construct a back road and side roads at the back and at each end of such terraces or continuous

A.D. 1936.

blocks of houses of such widths as may be prescribed by the byelaws;

(*b*) the words "space about buildings" were inserted in subsection (2) thereof before the words "drainage of buildings":

Provided that no byelaw with respect to the space about buildings shall be made so as to affect buildings erected before the times mentioned in section 157 of the Public Health Act 1875 unless such buildings or the curtilage thereof shall be altered after the making of the byelaw; and

(*c*) the power given by subsection (4) thereof to make byelaws with respect to the alteration of buildings were extended so as to authorise byelaws with respect to (i) the alteration of buildings whether or not erected in accordance with byelaws and (ii) the submission of such plans and sections as can be required in relation to the erection of a new building.

Dilapidated and neglected buildings.

42.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Council may order the owner at his option to take down or repair or rebuild such building (in this section referred to as a "neglected structure") or any part thereof or otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council 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 Council may enter upon the neglected structure and execute the order.

(3) Where the Council in the execution of any such order under the provisions of subsection (2) of this section take down a neglected structure or any part thereof the Council may remove the materials to a convenient place and (unless the expenses of the Council 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 Council under this section in relation to a neglected structure may be deducted by the Council out of the proceeds of the sale and the surplus (if any) shall be paid by the Council 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 Council or if the proceeds of the sale are insufficient to defray the said expenses the Council 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 for the expenses of repairs.

(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.

Powers on inspection.

43. 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 buildings 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 liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to plans deposited with Council.

44. All drawings plans elevations sections specifications and written particulars descriptions or details required to be deposited with the Council or any officer of the Council by any enactment for the time being in force in the district or any byelaws thereunder shall be deposited in duplicate and the Council may retain one of the copies so deposited.

Provisions as to tents vans &c. 51 & 52 Vict. c. 52.

45.—(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 district be

A.D. 1936.

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 Council to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

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

Prohibition of tents vans &c.

46.—(1) (*a*) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or (whether placed before or after the passing of this Act) kept on any land without the approval of the Council.

(*b*) It shall not be lawful for any person without the approval of the Council 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 the surface of such land is covered with concrete or other suitable material and unless and until such land is provided with sufficient roads sanitary accommodation drains and sewers and is furnished with a separate supply of water to the satisfaction of the Council.

(*c*) Land furnished in compliance with this subsection with a separate supply of water shall be deemed to be a house for the purposes of the provisions relating to the supply of water for domestic purposes.

(2) (*a*) Any person aggrieved by the withholding by the Council of any approval under the provisions of this section may within twenty-one days from the date of the decision of the Council appeal to a court of summary jurisdiction.

(*b*) Any person so appealing shall give or cause to be given written notice of his appeal and of the grounds thereof to the clerk before lodging the appeal.

(*c*) On any such appeal the court may make such order as to the court may seem just and may award costs.

(3) This section shall not apply to any tent van shed or similar structure—

(*a*) placed or kept on any land and used for the purpose of habitation for a less period than three months; or

(*b*) belonging to any person and situate within the curtilage of the dwelling-house of such person and occupied by such person or any member of his family or household; or

(*c*) temporarily used by a shepherd labourer or other person for farming agriculture or other like purpose or temporarily used for the service of the Council or other public authority.

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

(5) This section shall not apply to any tent van shed or similar structure provided by or belonging to or used by—

(*a*) any duly constituted religious or charitable society or body to the main objects of which the provision ownership or use of tents vans sheds or similar structures is merely subsidiary;

(*b*) any association incorporated by royal charter or any organisation constituted by any such last mentioned association in pursuance of their charter;

(*c*) members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members while in camp;

(*d*) a cadet unit of the British National Cadet Association officially recognised by the Army Council:

Provided that the exemption conferred by this subsection in respect of any tent van shed or similar structure provided by or belonging to or used by any society body

A.D. 1936.

association or organisation referred to in paragraph (*a*) (*b*) or (*c*) of this subsection shall apply only so long as the society body association or organisation by or to which such tent van shed or similar structure is provided or belongs or is used shall continue to make reasonable arrangements for the maintenance of good order amongst the persons using the tent van shed or similar structure and for the proper management and sanitary condition of the ground occupied by the tent van shed or similar structure.

(6) 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.

As to hoardings and similar structures.

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

(i) beyond any building line prescribed by the Council 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 Council for buildings under subsection (2) of section 100 of the Housing Act 1925; or

15 & 16 Geo. 5. c. 14.

(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.

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

(2) (*a*) The Council may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would

(if erected after the passing of this Act) have contravened the provisions of subsection (1) 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 manner as to comply with those provisions and the Council 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 Council 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 Council may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the date of the passing 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 moveable 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.

Restrictions on advertisement hoardings.

48.—(1) For the purpose of preserving the amenities of the district it is hereby enacted that it shall not be lawful after the passing of this Act to erect in or within fifteen feet of any street in the district 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 Council 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 Council 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) (*a*) Any person aggrieved by the refusal of the Council to grant such consent or by the conditions

A.D. 1936.

attached to such consent may appeal to a court of summary jurisdiction within fourteen days after such refusal.

(*b*) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the clerk before lodging the appeal.

(*c*) On any such appeal the court may make such order as it thinks fit and may award costs.

As to erection of hoardings &c. at street corners.

49.—(1) Before placing or erecting any fence wall (not being a wall forming part of the structure of a permanent building) hoarding or similar structure (in this section referred to as a "structure")—

(*a*) at the corner of any street; or

(*b*) within ten yards from the point of intersection of the building lines of two streets prescribed by the Council under any Act or under any scheme or byelaw made in pursuance thereof; or

(*c*) in cases where building lines have not been prescribed within ten yards from the corner of the street;

the person proposing to place or erect such structure shall give notice of his intention so to do to the Council and such notice shall be accompanied by plans and particulars of the structure proposed to be so placed or erected.

(2) If the placing or erection of such structure would in the opinion of the Council constitute a danger to traffic by obstructing the view of any pedestrian or the driver of any vehicle in a street of vehicular or pedestrian traffic the Council 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 Council 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 structure in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Council may remove the structure so placed or erected

and may recover the expense incurred by them in so doing from such person.

(4) (*a*) Any person aggrieved by any prohibition condition or modification imposed or required by the Council under this section may within twenty-eight days from the date of notification thereof to him appeal to a court of summary jurisdiction.

(*b*) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the clerk before lodging the appeal.

(*c*) On any such appeal the court may make such order as it thinks fit and may award costs.

(5) 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).

Repair of hoardings.

50. The Council may by notice in writing require the owner of or other person using any hoarding wall fence or similar structure for advertising purposes to maintain the same and any advertising matter thereon in good order and condition and if any such owner or person shall neglect or refuse to comply with such notice the Council may carry out such alterations or repairs as may be reasonably necessary and recover from such owner or person any expense incurred by them in so doing.

Benefits to be set off against compensation in respect of sewers.

51. In estimating the amount of compensation to be paid by the Council to any person in respect of the carrying of any sewer into through or under any lands the enhancement in value of any lands of such person arising out of the construction of the sewer shall be fairly estimated and shall be set off against the said compensation.

Houses connected with single private drain.

52.—(1) Where two or more houses or premises 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 Council shall (whether such drain was originally constructed in pursuance of a requirement of the Council or their

A.D. 1936.

predecessors or not) have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 and the Council 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 or premises 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.

(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 district.

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

As to defective drains &c.

53.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil-pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if the work necessary to remedy such defect is not commenced within twenty-four hours from the service of such notice and completed as speedily as the circumstances of the case will admit the Council may carry out the work 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 Council was reasonable and whether the expenses incurred by the Council 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.

54. 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 Council

it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty 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 Council may remit the payment of the same by the owner or owners if the Council think fit.

Wilful damage to drains water-closets &c.

55. If any person cause any drain watercloset pailcloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds:

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

Saving for London Midland and Scottish Railway Company.

56. Nothing in the following sections of this Part of this Act (namely):—

Section 32 (Formation of new streets);

Section 42 (Dilapidated and neglected buildings); and

Section 47 (As to hoardings and similar structures);

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

A.D. 1936.

PART V.

INFECTIOUS DISEASE AND SANITARY MATTERS.

Definition for purposes of this Part of Act.

57. For the purposes of section 58 (Power to close Sunday schools and exclude children from entertainments) and section 59 (Restrictions on attendance at Sunday schools and places of assembly) of this Act 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 section 3 (Interpretation) of this Act.

Power to close Sunday schools and exclude children from entertainments.

58.—(1) If the Council 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 closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from 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.

Restrictions on attendance at Sunday schools and places of assembly.

59.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child—

(*a*) who is or has been attending any school or any part thereof which for the time being is closed by order of the Council or of the education committee of the county council of the administrative county of the county palatine of Lancaster with the view of preventing the spread of infectious disease; or

(*b*) who is suffering from an infectious disease; or

(*c*) 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 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 assembly without undue risk of communicating disease to others. A.D. 1936.

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

Disinfection in case of tuberculosis.

60.—(1) (*a*) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) would tend to prevent or check tuberculosis the clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

(*b*) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer:

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

(*c*) For the purpose of carrying into effect the provisions of this subsection the Council may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall

A.D. 1936.

produce his authority enter on any premises between the hours of ten in the forenoon and six in the afternoon.

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

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

(*b*) Such articles books things bedding or clothing shall be disinfected by the Council and returned to the person from whom they were taken free of charge.

(3) If any person sustains any damage by reason of the negligent exercise by the Council of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Council and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

As to filthy premises.

61.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Council that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Council duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Council 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 Council under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

Cleansing of dwelling-houses in certain cases.

62. When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that any occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Council (who shall give to such occupier not less than seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Council to cleanse and disinfect the dwelling-house and the Council may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary.

As to houses without water supply.

63.—(1) The owner of any dwelling-house or tenement in the district which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the 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 Council 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.

(2) Section 62 of the Public Health Act 1875 shall be read and have effect as if the words " or the medical officer of health " were inserted therein after the words " the surveyor."

Information to be furnished in case of infectious disease.

64.—(1) The occupier of any building in the district which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within

A.D. 1936.

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 section 3 (Interpretation) of this Act.

Regulation dustbins

65.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop within the district 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 Council.

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

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

(4) 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 Council.

(5) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section 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.

(6) Nothing in this section shall apply to any warehouse belonging to a railway company from which the Council do not remove the refuse. A.D. 1936.

Prohibiting sorting of contents of refuse tips and dustbins.

66.—(1) It shall not be lawful for any person (other than a person employed by the Council in connection with any refuse tip used by the Council for the disposal of refuse) to sort over or disturb the material deposited upon any refuse tip.

(2) It shall not be lawful for any person (other than a person appointed by the Council for the purpose of emptying dustbins or other receptacles for refuse) to sort over or disturb the contents of any such receptacle when placed in any street or in any forecourt adjoining any street for the purpose of the removal of such contents by or on behalf of the Council.

(3) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

Byelaws as to tipping refuse.

67.—(1) Section 44 of the Public Health Act 1875 shall extend to empower the Council to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

(2) No byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by a railway company for the purposes of constructing widening or maintaining any railway.

Sanitary conveniences used in common.

68.—(1) The owner of two or more sanitary conveniences provided for or in connection with two or more separate dwelling-houses and used in common by the occupiers of such dwelling-houses shall so far as reasonably practicable allot such sanitary conveniences to the occupiers of particular dwelling-houses so as to ensure that the same are allocated proportionately (as nearly as may be) amongst such dwelling-houses.

(2) The owner of any such sanitary conveniences shall cause to be affixed to and maintained on the door or walls of each such sanitary convenience a notice identifying the dwelling-house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who shall fail to comply with the provisions of this section shall be liable to a penalty not

A.D. 1936.

exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Closet accommodation in houses occupied by more than one family.

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

(2) For the purpose of complying with any requirement of any notice given in pursuance of the provisions of the said section 36 as amended by this section the owner or occupier may at all reasonable times enter upon any portion of the premises which comprise such part of a house as aforesaid.

(3) For the purpose of the application of section 36 of the Public Health Act 1875 to a part of a house in pursuance of this section the expression "the owner" shall (when any part of a house is without the consent in writing of the owner (within the meaning assigned to that expression by section 3 (Interpretation) of this Act) let or sublet by some other person) mean the person so letting or subletting the house or part thereof (as the case may be) to the exclusion of the owner (within the meaning so assigned to that expression).

Improper construction or repair of watercloset or drain.

70.—(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 the person charged 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.

Penalty for throwing rubbish into streams.

71. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream or watercourse within the district so as either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of water or to cause an obstruction shall be liable to a penalty not exceeding five pounds.

Notice to be given of Part V.

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

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

PART VI.

FINANCE.

Power to borrow.

73.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such period as the Council may determine not exceeding those respectively mentioned in the third column of the said table:—

1.	2.	3.
Purpose.	Amount.	Period for repayment.
(*a*) The alteration enlargement extension improvement or renewal of the Council's gasworks for the provision of new gas mains and the extension of gas mains.	£20,000	Thirty years from date or dates of borrowing.
(*b*) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

A.D. 1936.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Application of Act of 1933 to existing sinking funds.

74. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Council for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Council shall make such adjustments of any existing sinking funds as may be proper.

Consolidated loans fund.

75.—(1) Notwithstanding anything contained in this Act or in any other enactment on and after the thirty-first day of March nineteen hundred and thirty-seven the Council may (if they think fit) establish a fund to be called "the consolidated loans fund" to which shall be paid—

(*a*) all moneys borrowed by the Council by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(*b*) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose; and

(*c*) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund is established.

A.D. 1936.

(2) The moneys of the consolidated loans fund shall be used or applied by the Council—

(*a*) in the redemption of authorised securities the purchase of stock for extinction or the repayment of any moneys borrowed by the Council; and

(*b*) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and a separate account shall be kept of these sums and their application.

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve capital reserve renewals and repairs depreciation contingency insurance accident superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(*a*) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(*b*) 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 Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings.

A.D. 1936.

(5) Save as in this section expressly provided all the obligations of the Council to the holders of authorised securities shall continue in force.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) The powers conferred by this section shall not be put into operation by the Council except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(8) Any scheme approved by the Minister under this section may be altered amended or revoked by a scheme made in like manner as the original scheme.

Renewal and repairs fund.

76.—(1) The Council may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of 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 Council (otherwise than for the purposes of the undertakings of the Council) 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 the previous year and (*b*) any sum not exceeding the average annual cost incurred by the Council during the previous three years in connection with the maintenance and repair of buildings (otherwise than for the purposes of the undertakings of the Council).

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

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the things referred to in subsection (1) of this section which are not comprised in the undertakings of the Council 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 but this section shall not apply to any appliances works equipment and buildings for

the purposes of any undertaking in respect of which the Council have for the time being provided a reserve fund under section 80 (Reserve funds) of this Act or to buildings in respect of which the Council are required by the Housing Acts to keep a housing repairs account.

(4) (*a*) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (3) of this section such moneys shall (unless applied under section 75 (Consolidated loans fund) of this Act) be invested in statutory securities.

(*b*) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with 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 and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

Receipts and expenses.

77.—(1) Notwithstanding anything contained in this Act or any other Act or Order all moneys received by the Council whether on capital or revenue account including (but without prejudice to the generality of this provision)—

(*a*) all money received on account of the revenue of any of the undertakings of the Council; and

(*b*) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve or as a capital reserve renewals and repairs depreciation contingency insurance accident consolidated loans or other similar fund (including any interest payable to any such fund in pursuance of section 75 (Consolidated loans fund) of this Act);

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Council in respect of any such undertaking or in carrying into execution the powers and provisions of this

A.D. 1936.

or any other Act whether public or local (including interest on moneys borrowed by the Council and all sums required by law to be paid or transferred or which the Council may determine to pay or transfer to any such fund as is referred to in paragraph (*b*) of this subsection) shall be paid or transferred out of the general rate fund :

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 Council to apply capital money to any purpose other than purposes to which capital money is properly applicable.

Accounts.

78.—(1) The Council shall keep their accounts so as to distinguish capital from revenue and shall keep separate accounts in respect of each of the undertakings of the Council and as to revenue shall show under a separate heading or division on the one side all income in respect of the undertaking (including the interest and other annual proceeds received by the Council on the investments representing or forming part of any such fund provided in connection with the undertaking as is referred to in paragraph (*b*) of subsection (1) of the last preceding section) and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show the amounts representing—

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

(*b*) the interest on moneys borrowed by the Council for the purposes of or connected with the undertaking or used for those purposes in pursuance of section 75 (Consolidated loans fund) of this Act;

(*c*) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or used as aforesaid;

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

(*e*) the amount (if any) credited to reserves or to a reserve fund provided in respect of the undertaking;

(*f*) any money expended or applied for any of the purposes mentioned in the next succeeding section.

(2) The Council shall show in their accounts relating to each undertaking 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.

(3) The Council shall so far as reasonably practicable apportion between the accounts of separate undertakings or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Application of revenue of undertakings.

79. If in respect of any year the moneys received by the Council on account of the revenue of any of the undertakings of the Council (including the interest and other annual proceeds received by the Council in that year on the investments representing or forming part of any such fund as is referred to in paragraph (*b*) of subsection (1) of section 77 (Receipts and expenses) of this Act provided in connection with the undertaking) shall exceed the moneys expended or applied by the Council in respect of that undertaking for the several purposes mentioned in paragraphs (*a*) (*b*) (*c*) (*d*) and (*e*) of subsection (1) of the last preceding section the Council may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

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

(*b*) In the renewal and the construction extension or improvement of any works and conveniences for the purposes of the undertaking.

Reserve funds.

80.—(1) The Council may (if they think fit) provide a reserve fund in respect of any of the undertakings of the Council by setting aside in any year in which the moneys received by the Council on account of the revenue of that undertaking exceed the moneys expended

A.D. 1936.

by the Council in respect of that undertaking in respect of the expenses mentioned in paragraphs (*a*) (*b*) (*c*) and (*d*) of subsection (1) of section 78 (Accounts) of this Act such an amount not exceeding a sum equal to that excess as they may from time to time think reasonable and (unless the amounts so set aside are applied under section 75 (Consolidated loans fund) of this Act) investing the same in statutory securities until the fund so provided amounts in the case of the gas undertaking to a sum equivalent to one-fifth of the aggregate capital expenditure for the time being upon the gas undertaking and in the case of other undertakings to the maximum reserve fund for the time being prescribed by the Council.

(2) Any reserve fund which has been provided in respect of any of the undertakings of the Council and which is in existence on the first day of April nineteen hundred and thirty-six shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

(*a*) in making good to the general rate fund any deficiency at any time happening in the income of the Council from the undertaking in connection with which it is formed; or

(*b*) in meeting any extraordinary claim or demand at any time arising against the Council in respect of that undertaking; or

(*c*) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit 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 provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

A.D. 1936.

Provision as to surplus gas revenue.

81. Notwithstanding anything contained in any previous enactment the following provisions shall apply with respect to the gas undertaking in addition to the provisions of section 79 (Application of revenue of undertakings) of this Act (namely):—

If in any year the accounts of the undertaking kept under section 78 (Accounts) of this Act shall show that the revenue of the gas undertaking in respect of that year (including if and so long as any reserve fund provided in connection with the gas undertaking amounts to one-fifth of the aggregate capital expenditure for the time being upon the gas undertaking the interest and other annual proceeds arising from the investment of any part of that reserve fund) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes in relation to the gas undertaking which are mentioned in paragraphs (*a*) to (*f*) of subsection (1) of the last-mentioned section such sum as the Council may think fit (not being less in cases where such excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between such excess and that sum) shall be deemed for the purposes of the said section 78 to be revenue of the gas undertaking in respect of the next following year and a reduction shall be made in the charges which would otherwise have been made for gas supplied by the Council of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the sum so deemed to be revenue.

Date of operation of certain sections and repeal.

82.—(1) The following sections of this Act (namely):—

Section 77 (Receipts and expenses);
Section 78 (Accounts);
Section 79 (Application of revenue of undertakings);
Section 80 (Reserve funds); and
Section 81 (Provision as to surplus gas revenue);

shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-six.

A.D. 1936.

(2) The following provisions of the Dalton-in-Furness District Local Board Act 1878 shall be deemed to have been repealed on the said date:—

Section 33 (Gas account);

Section 34 (Application of revenue); and

Section 35 (Insufficiency of revenue to be made good out of rates).

Subscriptions to local government associations and other expenses.

83.—(1) The Council may pay out of the general rate fund and general rate—

(*a*) reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Council at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(*b*) the reasonable expenses of the Council in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the district.

(2) The total amount which the Council may expend under the provisions of this section shall not exceed the amount which would be produced by the levying of a general rate of one penny in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925.

PART VII.

MISCELLANEOUS.

Further powers for acquisition of lands.

84.—(1) The Council 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 that the Council should acquire for or in connection with the purposes of

any of their undertakings powers or duties or for the benefit improvement or development of the district. A.D. 1936.

(2) When any lands purchased or acquired or taken on lease by the Council 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 Council and pending such appropriation all expenses incurred by the Council under this section shall be payable out of the general rate fund and general rate.

Noise nuisance.

85.—(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:

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.

Display of advertisements.

86.—(1) The Council may serve a notice on the owner or occupier of any land in respect of any serious injury to the amenities of any public open space 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.

A.D. 1936.

(2) If the person on whom the notice is served fails to comply therewith the Council 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 Council 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.

7 Edw. 7. c. 27. 15 & 16 Geo. 5. c. 52.

(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 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 twelve 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.

Recovery of rate from persons removing.

87. If a justice is satisfied on complaint by any rate collector or other authorised officer that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate or gas charge which may be due from him and intends to evade payment of the same by departing from the district 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 or other authorised officer 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 operation of section 11 of Rating and Valuation Act 1925.

88. The Council may at any time by resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section.

Water for extinguishing fires.

89. 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 purpose 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 Council as hereinafter provided and shall be chargeable as fire brigade expenses:

Provided that the Council shall not be required to pay for any water so utilised which is taken from any river stream or watercourse whether such water has been impounded or not nor to pay for any water so utilised

A.D. 1936.

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.

Power to grant allowances or gratuities in certain cases. 12 & 13 Geo. 5. c. 59.

90.—(1) The Council may (if they think fit) in cases not within the Workmen's Compensation Act 1925 and of persons not entitled to benefits under the Local Government and Other Officers' Superannuation Act 1922 grant a weekly or other allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' pay) to any of the Council's officers or servants who may be disabled or injured in the Council's service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in the Council's service.

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

Bathing and boating pools.

91.—(1) The Council may on any part of the seashore belonging to them or in any park recreation ground or open space belonging to them construct and maintain bathing or boating pools together with such buildings works appliances and conveniences as may be necessary or proper in connection therewith.

(2) The Council may make such reasonable charges as they may think fit for the admission to and use of any bathing or boating pools by this Act authorised to be constructed or any part thereof or any buildings works appliances or conveniences provided in connection therewith and the Council may if they think fit let any such buildings works appliances and conveniences.

(3) The provisions of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 shall apply as if a bathing or boating pool were a lake or piece of water in a park or pleasure ground provided by the Council.

10 & 11 Vict. c. 89.

(4) The Council may for any of the purposes mentioned in section 69 of the Town Police Clauses Act 1847 or in section 92 of the Public Health Acts Amendment Act 1907 make byelaws for regulating the use of any

of the said bathing or boating pools and buildings works appliances and conveniences in connection therewith.

(5) No power conferred upon the Council by this section shall be exercised in such a manner as to be at variance with any trust subject to which any park recreation ground or open space is held managed or controlled by the Council without an order of the High Court or of the Charity Commissioners or the Board of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

(6) As respects byelaws made under this section the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister.

Apportionment of expenses in case of joint owners.

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

Penalty on occupier refusing execution of Act.

93. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Part IV (Streets buildings sewers and drains) Part V (Infectious disease and sanitary matters) and this Part of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the work required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said work 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.

A.D. 1936.

Power to enter premises.

94. 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 IV (Streets buildings sewers and drains) Part V (Infectious disease and sanitary matters) and this Part of this Act as if those purposes had been mentioned in the said section 102.

Expenses may be declared private improvement expenses.

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

In executing works for owner Council liable for negligence only.

96. Whenever the Council the surveyor or the sanitary inspector under this Act or any other local enactment or byelaw or any public general Act for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council the surveyor or the sanitary inspector shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or 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 payable by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Authentication and service of notices &c.

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

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being

in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served :

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Consents of Council to be in writing.

98. All consents given by the Council under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council.

Judges not disqualified.

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

Breach of conditions of consent of Council.

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

Several sums in one summons.

101. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the district 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.

Compensation how to be determined.

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

As to appeals.

103.—(1) Any person aggrieved by an order made by a court of summary jurisdiction under the provisions of this Act may appeal against the order to a court of

A.D. 1936.

quarter sessions and the Council may likewise appeal against the refusal of a court of summary jurisdiction to make any such order.

(2) Any person aggrieved by any order judgment determination or requirement or by the withholding of any certificate licence consent or approval of or by the Council or of or by any officer thereof under the provisions of Part IV (Streets buildings sewers and drains) or Part V (Infectious disease and sanitary matters) of this Act may if no other mode of appeal is provided by this Act appeal in manner provided by the Quarter Sessions Act 1849 to the next practicable court of quarter sessions held not less than thirty days after notice of the decision appealed against has been sent to him and the notice of appeal shall be given to the Council and to the clerk of the peace.

12 & 13 Vict. c. 45.

Application of section 265 of Public Health Act 1875.

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

Recovery of demands.

105. 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 an action founded on contract or tort.

Recovery of penalties &c.

106. 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.

Arbitrations.

107. The Arbitration Acts 1889 to 1934 or any statutory modification or re-enactment thereof for the time being in force shall apply to every arbitration under this Act.

A.D. 1936.

Powers of Act cumulative.

108. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed :

Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown rights.

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

Works below high-water mark not to be constructed without consent of Board of Trade.

110. The Council shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Costs of Act.

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

A.D. 1936.

SCHEDULE.

GAS LANDS.

PART I.

EXISTING LANDS FOR MANUFACTURE AND STORAGE OF GAS AND RESIDUAL PRODUCTS.

A piece of land being the site of the existing Dalton gasworks situate in the district containing 2759 square yards or thereabouts and bounded on the west by the road from Dalton to Barrow and on the north and east by Mary Bank and on the south by property of the London Midland and Scottish Railway Company.

PART II.

NEW LANDS FOR MANUFACTURE AND STORAGE OF GAS AND RESIDUAL PRODUCTS.

1. A close or inclosure of land known as "Workhouse Gardens" situate at Goose Green in the district containing one acre and 27 perches or thereabouts bounded on the north partly by land belonging to Samuel Buzzard and partly by the road to Underwood on the south partly by land belonging to Samuel High and partly by the public footpath to Millwood on the east by the said public footpath and on the west by land belonging to the Holker Estates Company which said premises formerly belonged to the parish of Dalton and were used by the poor of the said parish.

2. A piece or parcel of land situate at Askam-in-Furness in the district containing 8430 superficial square yards or thereabouts bounded on the north partly by land belonging to the Boughton Estates Limited and partly by the roadway leading to Back James Street East on the south by premises known as the "Askam gasworks" now belonging to the Dalton-in-Furness Urban District Council on the east by property of the London Midland and Scottish Railway Company and on the west partly by land belonging to Violet May Long and partly by James Street and Back James Street East.

Printed by EYRE AND SPOTTISWOODE LIMITED
FOR
SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;
26 York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any bookseller