CHAPTER cxxi.

An Act to extend the boundaries of the borough of Darlington to empower the corporation of Darlington to construct a weir across the river Tees and street improvements to confer further powers upon them with regard to their water electricity and markets undertakings and the health local government and improvement of the borough and for other purposes. A.D. 1930.

[10th July 1930.]

WHEREAS the borough of Darlington (in this Act referred to as "the borough") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and is subject to the jurisdiction of the mayor aldermen and burgesses of the borough (in this Act referred to as "the Corporation"):

And whereas the borough now comprises the parish of Darlington such parish being co-extensive with the borough:

And whereas the parishes of Haughton-le-Skerne Archdeacon Newton Blackwell and Whessoe in the rural district of Darlington in the administrative county of Durham adjoin the borough:

And whereas it is expedient that the boundaries of the borough and of the parish of Darlington should be extended so as to include therein the parts of the

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said parishes of Archdeacon Newton Blackwell Haughton-le-Skerne and Whessoe which are described in this Act:

And whereas the unrepealed provisions of the several Acts Provisional and other Orders specified in the First Schedule to this Act are immediately prior to the passing of this Act in force within the borough and it is expedient that those Acts and Orders as amended by this Act should (subject as in this Act provided) apply throughout the borough as extended by this Act:

And whereas in order to raise the level of the water in the river Tees it is expedient that a weir with sluices should be constructed across the said river as by this Act provided:

And whereas the Corporation are the owners of a water undertaking and it is expedient that such further provision as is contained in this Act should be made with regard to the said undertaking:

And whereas it is expedient that the Corporation should be empowered to construct street improvements in the borough and to acquire lands for that and other purposes:

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their electricity undertaking:

And whereas the Corporation are the owners of the markets undertaking in the borough and it is expedient to enlarge the powers of the Corporation with respect to that undertaking:

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

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

	£
For the construction of the weir and works in connection therewith and for the purchase of lands therefor - - - - -	4,300

	£	A.D. 1930.
For the purchase of land for and for the construction of a new street and street widenings and improvements - - - - -	59,000	

And whereas the several works included in the said estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years as by this Act provided:

And whereas it is expedient that the other powers contained in this Act should be conferred:

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

And whereas plans and sections showing the lines and levels of the works to be authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the counties of Durham and the north riding of York which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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

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

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Darlington Corporation Act 1930.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Extension.

Part III.—Works and lands.

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Part IV.—Water.
Part V.—Electricity.
Part VI.—Markets slaughter-houses &c.
Part VII.—Streets buildings sewers and drains.
Part VIII.—Infectious disease and sanitary matters.
Part IX.—Finance.
Part X.—Miscellaneous.

Incorporation of Acts.

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

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

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

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

Interpretation.

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

"The appointed day" means the first day of October one thousand nine hundred and thirty;

"The existing borough" means the county borough of Darlington as it exists at the passing of this Act;

"The borough" means until the appointed day the existing borough and thereafter the existing borough as extended by this Act;

"The parish" means the parish of Darlington as extended by this Act;

"The council" means the council of the borough;

"The Corporation" means as the context requires the mayor aldermen and burgesses of the existing borough or of the borough acting by the council;

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

"The Act of 1854" means the Darlington Local Board Act 1854;

"The Act of 1861" means the Darlington Local Board Act 1861;

"The Act of 1872" means the Darlington Extension and Improvement Act 1872;

"The Act of 1925" means the Darlington Corporation (Transport &c.) Act 1925;

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

"The borough map" means the map marked "Map "of the borough of Darlington as extended by "the Darlington Corporation Act 1930" and signed in triplicate by the Right Honourable the Earl of Donoughmore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

"The ward map" means the map marked "Map of "the wards of the borough of Darlington as "extended by the Darlington Corporation Act "1930" and signed in triplicate by the Right Honourable the Earl of Donoughmore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred

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one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

"The county" and "the county council" mean respectively the administrative county of Durham and the county council of that county;

"The Darlington district" means the rural district of Darlington;

"The district council" means the council of the Darlington district;

"The Haughton Council" means the parish council of the parish of Haughton-le-Skerne;

"The parish councils" means the parish councils of Blackwell and Haughton-le-Skerne;

"The parish meetings" means the parish meetings of Archdeacon Newton and Whessoe;

"The added part" of each of the parishes of Archdeacon Newton Blackwell Haughton-le-Skerne and Whessoe means the part or parts of those parishes respectively which is or are by this Act added to the borough and "the excluded part" of each of those parishes means the remaining part or parts thereof;

"The added area" means the added part of the parish of Archdeacon Newton which is coloured yellow on the borough map the added part of the parish of Blackwell which is coloured blue on the borough map the added part of the parish of Haughton-le-Skerne which is coloured brown on the borough map and the added part of the parish of Whessoe which is coloured green on the borough map by this Act added to the borough;

"Existing" in relation to any area altered by this Act means existing immediately before the appointed day;

"The Minister" means the Minister of Health;

"Local authority" means a local authority as defined in section 3 of the Local Government and other Officers' Superannuation Act 1922 and includes the standing joint committee of a county;

"Officer" includes a servant and any person whose remuneration is paid by a local authority;

"The Act of 1888" "the Act of 1894" and "the Act of 1929" mean respectively the Local Government Act 1888 the Local Government Act 1894 and the Local Government Act 1929;

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the Borough Councillors (Alteration of Number) Act 1925;

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

"The Act of 1907" means the Public Health Acts Amendment Act 1907;

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

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

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

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

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

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

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

"The street improvements" means the street improvements and works in connection therewith by this Act authorised;

"Statutory security" means any security in which trustees are for the time being by or under any

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Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

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

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

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

"The tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

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

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

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

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

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

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

PART II.

EXTENSION.

Commencement of this Part of Act.

5. This Part of this Act shall except so far as is otherwise herein expressly provided and except so far as there may be anything in the subject matter or context inconsistent therewith come into operation on the appointed day:

Provided that for the purposes of all proceedings preliminary or relating to any local government election to be held in the year one thousand nine hundred and thirty for any area affected by this Act this Part of this Act shall operate from the passing of this Act.

Extension of borough.

6.—(1) The boundary of the existing borough shall be altered so as to include the added part of Archdeacon Newton the added part of Blackwell the added part of Haughton-le-Skerne and the added part of Whessoe which are described in the Third Schedule to this Act.

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

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(3) If there be any discrepancy between the borough map and the description in the Third Schedule to this Act of the added parts of Archdeacon Newton Blackwell Haughton-le-Skerne and Whessoe the borough map shall prevail.

Alteration of parishes.

7.—(1) The added part of Archdeacon Newton the added part of Blackwell the added part of Haughton-le-Skerne and the added part of Whessoe shall be added to the existing parish of Darlington and each of the said added parts shall be separated from the existing parish of which it now forms part.

(2) The excluded part of Haughton-le-Skerne shall be amalgamated with the existing parish of Barmpton.

Deposit of maps.

8.—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent within one month after the passing of this Act to the clerk to the county council to the clerk to the district council to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Electricity Commissioners and copies of the ward map so deposited and certified in like manner shall be sent within the said period to the Registrar-General to the Minister and to the Minister of Agriculture and Fisheries.

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

(3) All fees so received shall be carried to the credit of the general rate fund.

Number of councillors and aldermen.

9. The number of councillors of the borough shall be increased from twenty-four to thirty and the number of aldermen shall be increased from eight to ten.

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Division of borough into wards.

10. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of wards the following provisions shall have effect :—

(1) For the purposes of the election of councillors the borough shall be divided into the ten wards set out in the Fourth Schedule to this Act and each of the wards shall be designated by the name appearing in that schedule :

(2) Each of the said wards shall comprise that portion of the borough which is indicated by a separate colour and distinguished by the number and name of the ward on the ward map :

(3) Three councillors shall be assigned to each of the said wards.

Continuance in office of borough councillors &c.

11.—(1) Notwithstanding any enactment to the contrary the following provisions shall have effect with regard to the persons who at the date of the passing of this Act are the mayor aldermen and councillors of the existing borough :—

(*a*) The mayor shall continue in office until a successor elected at the first meeting of the council of the borough has accepted office;

(*b*) Such of those persons as are aldermen shall continue in office as aldermen until the twenty-third day of October nineteen hundred and thirty but shall then go out of office;

(*c*) Such of those persons as are councillors shall continue in office as councillors until the sixteenth day of October nineteen hundred and thirty but shall then go out of office;

(*d*) Every such person if qualified shall be eligible for election as a councillor of the borough on the sixteenth day of October nineteen hundred and thirty.

(2) If after the date of the passing of this Act any casual vacancy shall occur among the aldermen or councillors of the existing borough the vacancy shall not be filled.

Election of aldermen and councillors in 1930.

12. The first election of councillors for the borough shall be held in October nineteen hundred and thirty and the first election of aldermen in the same month

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of the same year and the following provisions shall apply to the elections :—

(1) The mayor and the town clerk of the existing borough or such other persons as the Secretary of State may appoint shall perform the duties devolving upon a mayor and town clerk respectively under the Municipal Corporations Acts and the mayor shall be the returning officer at the election for all the wards but may appoint some other person to act as returning officer at the election for any of the wards :

(2) Thirty councillors shall be elected on the sixteenth day of October and ten aldermen shall be elected on the twenty-third day of the same month.

Election of mayor in 1931.

13.—(1) At the first meeting of the council of the borough a mayor shall be elected who shall hold office until a successor elected on the ninth day of November nineteen hundred and thirty-one has accepted office.

(2) The first business to be transacted at the first meeting of the council shall be the election of a mayor.

Retirement of councillors and aldermen elected in 1930.

14.—(1) The councillors elected in the year nineteen hundred and thirty for each ward constituted by this Act shall retire as follows :—

(*a*) The councillor for each ward who is elected by the smallest number of votes on the first day of November nineteen hundred and thirty-one;

(*b*) The councillor for each ward who is elected by the largest number of votes on the first day of November nineteen hundred and thirty-three;

(*c*) The other councillor for each ward on the first day of November nineteen hundred and thirty-two.

(2) The aldermen elected in the year nineteen hundred and thirty in pursuance of this Act shall retire as follows :—

(*a*) The five aldermen elected by the smallest number of votes on the ninth day of November nineteen hundred and thirty-three;

(*b*) The other five aldermen on the ninth day of November nineteen hundred and thirty-six.

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(3) In any case in which there is no contested election or if for any reason it is doubtful which of the councillors or aldermen as the case may be ought to retire on the dates above specified the question shall be determined at the first meeting or at the next following quarterly meeting of the council and not later by lot conducted under the direction of the person presiding at that meeting.

First meeting of council.

15.—(1) The first meeting of the council shall be held on the twenty-third day of October nineteen hundred and thirty or on such other day as the Minister may appoint and such meeting shall not be in substitution for one of the quarterly meetings of the council.

(2) If in pursuance of this section a day shall be appointed by the Minister for the first meeting of the council that day shall be substituted for the twenty-third day of October nineteen hundred and thirty in the preceding sections of this Part of this Act.

Application of County and Borough Councils (Qualification) Act 1914.

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

County electoral divisions.

17. Subject to the provisions of section 54 of the Act of 1888 section 50 of the Act of 1929 and section 2 of the Representation of the People Act 1922 the added area shall be separated from the existing Aycliffe electoral division of the county and the councillor of the county who immediately before the appointed day represents the said existing Aycliffe electoral division shall be deemed to have been elected to represent that division as altered by this Part of this Act and shall retire on the day on which he would have retired if this Act had not been passed.

Powers and duties of justices &c. extended.

18.—(1) The powers rights privileges authorities and duties of the justices of the peace for the existing borough and of the clerk to those justices and of the police constables and other peace officers in the existing borough shall extend and apply throughout the borough :

Provided that—

(*a*) every person committing an offence in any part of the added area prior to the appointed day shall be tried and dealt with as if this Act had not been passed; and

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

(2) The added area shall cease to form part of any petty sessional division of the county.

Officers of Corporation continued.

19. The town clerk and all other officers of the corporation of the existing borough who hold office on the appointed day shall continue to be the town clerk and officers of the corporation of the borough and shall hold their offices by the same tenure as on that day.

Corporation property &c.

20. Subject to the provisions of this Part of this Act all property vested in the Corporation at the appointed day for the benefit of the existing borough (not being property held for any charitable trust) shall by virtue of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which on the day aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the day aforesaid attach to the Corporation in respect of the existing borough shall from and after that day attach to them in respect of the borough.

Jurisdiction of county authorities to cease.

21.—(1) Subject to the provisions of this Part of this Act the powers rights privileges authorities and duties of the county council and the standing joint committee of the county respectively shall as from the appointed day cease to be exerciseable by or attach to that council and committee so far as regards the added area.

(2) All the property and liabilities which immediately before the appointed day are vested in or attach to the county council as poor law authority in the added area shall by virtue of this Act be transferred to vested in and attached to the Corporation as the case may require.

Powers property &c. of district council.

22.—(1) The district council shall cease to exercise any powers or discharge any duties within any part of the added area and subject to any necessary adjustment all properties or liabilities which immediately before the appointed day are vested in or attach to the district council in relation exclusively to any part of the added area shall by virtue of this Act be transferred to vest in and attach to the Corporation.

(2) Any property or liabilities which immediately before the appointed day are vested in or attach to the district council in relation to the added area or any part of the added area conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

Mortgage debts of Corporation.

23.—(1) The liability for repayment of so much of any moneys borrowed by the Corporation as will at the appointed day be owing and charged upon a fund or rate of the existing borough or the revenues of the existing borough shall be charged on the corresponding fund or rate of the borough or the revenues of the borough.

(2) All borrowed moneys to which this section applies shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Local Acts and Orders.

24.—(1) Subject to the provisions of this Act the unrepealed provisions of the local Acts and Orders specified in the First Schedule to this Act and of any other local Act (including any local Act passed or to be passed during the present session of Parliament) or of any other Order confirmed by or having the effect of an Act of Parliament and affecting the existing borough or the Corporation as the same respectively are in force within the existing borough at the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation :

Provided that nothing in this Act shall extend the limits of the Corporation for the supply of electricity.

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(2) Any provisions in any local Act or any Order confirmed by or having the effect of an Act of Parliament for the benefit or protection of the parish councils the parish meetings or any or either of them or the district council or of the county council or of the standing joint committee of the county or their respective predecessors shall so far as they relate to or affect any part of the added area from and after the appointed day enure for the benefit and protection of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to any such council or committee or their predecessors as the case may be.

Gas electricity and water charges rates and prices.

25.—(1) As from the first day of October nineteen hundred and thirty the charges from time to time made by the Corporation for the supply of gas within the added parts of Archdeacon Newton Blackwell Haughton-le-Skerne and Whessoe shall not exceed the charges made by the Corporation in the like circumstances within that part of the borough which comprises the existing borough.

(2) As from the first day of October nineteen hundred and thirty the prices from time to time to be charged by the Corporation for electricity supplied by them within the added part of Blackwell shall not exceed the prices charged by the Corporation in the like circumstances within that part of the borough which comprises the existing borough.

(3) As from the twenty-third day of November nineteen hundred and thirty the rates and charges from time to time made by the Corporation for the supply of water within the added parts of Archdeacon Newton Blackwell Haughton-le-Skerne and Whessoe shall not exceed the rates and charges made by the Corporation in the like circumstances within that part of the borough which comprises the existing borough.

Adoptive Acts.

26.—(1) The provisions of—

The Baths and Washhouses Acts 1846 to 1925;

The Infectious Disease (Prevention) Act 1890;

The Public Health Acts Amendment Act 1890;

The Museums and Gymnasiums Act 1891;

The Public Libraries Acts 1892 to 1919; and

Part II sections 13 to 23 25 to 30 32 33 and 35 Part III sections 36 to 39 and 41 to 44 Part IV and Part V of the Public Health Act 1925;

as in force in the existing borough shall be in force in and apply to the borough as if the same had been adopted for the borough.

(2) The provisions of any adoptive Act other than the Acts in force in the existing borough shall cease to be in force in the added area.

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which may be in force at the appointed day throughout the existing borough shall extend and apply to the added area and any such order in force at the appointed day in the added area shall cease to be in force therein.

Powers under Act of 1907 or Public Health Act 1925.

27. Subject to the provisions of any order which the Minister or the Secretary of State may make after the appointed day the following provisions shall have effect as regards orders under the Act of 1907 or the Public Health Act 1925:—

(*a*) The provisions of any order made before the appointed day whereby any parts or sections of either of the said Acts are in force immediately before the appointed day in the existing borough shall have effect as if any reference in those provisions to the existing borough extended and applied to the borough and as if the said parts or sections were accordingly in force in the borough;

(*b*) Any other order under either of the said Acts which is in force at the appointed day throughout the existing borough shall extend and apply to the added area;

(*c*) The provisions of any order made before the appointed day and declaring to be in force in any part of the added area any parts or sections of either of the said Acts shall cease to apply to any such part and subject to the provisions of this section the parts or sections declared by any

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such order to be in force shall cease to be in force in any such part but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

Corporation to be burial board.

28. The added area shall be included within the limits for which the Corporation act as a burial board:

Provided that nothing in this Act shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired prior to the appointed day or prejudicially affect any right privilege or authority which immediately prior thereto is exerciseable by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906.

Orders under section 33 of Act of 1894.

29.—(1) The provisions of any order under section 33 of the Act of 1894 in force at the appointed day in the existing borough (so far as such provisions still have effect) shall have effect as if any reference in that order applicable to the existing borough extended and applied to the borough and as if any reference in that order to the existing parish of Darlington also extended and applied to the parish.

(2) An order may be made by the Minister under section 33 of the Act of 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of any existing parish affected by this Part of this Act as if this Act had not been passed.

Orders under Shops Acts 1912 to 1928.

30. Any order in force under the Shops Acts 1912 to 1928 or any enactment repealed by those Acts and in force immediately before the appointed day in any area affected by this Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applies immediately before the appointed day.

Orders under Wild Birds Protection Acts.

31. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in the existing borough shall extend to the added area and any order under those Acts which is then in force in the county shall cease to extend to the added area.

Byelaws.

32.—(1) All byelaws made under the Public Health Acts and in force within the existing borough or within

any part of the added area immediately before the appointed day shall continue to apply to the existing borough or such part of the added area as the case may be until repealed or altered by the Corporation.

(2) Any such byelaws in force in the existing borough may by a byelaw made in accordance with sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority be extended with or without modification to the added area.

(3) All other byelaws made by the Corporation or the watch committee of the borough which are not specifically referred to in this Act and which are in force immediately before the appointed day shall apply to the borough until repealed or altered and all byelaws made by the county council or the standing joint committee of the county shall on that day cease to apply within the added area.

(4) In their application to the added area any byelaws continued in force by this section shall have effect as if they had been made by the Corporation or the watch committee of the borough as the case may be and as if the added area were referred to therein instead of the area to which they now apply.

(5) Any proceedings which if this Act had not passed might have been taken for any offence against any byelaw committed before the appointed day within the added area may be taken by the Corporation.

(6) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments and the phrase "byelaws made under the Public Health Acts" means byelaws which under the Ministry of Health Act 1919 are subject to confirmation by the Minister whether made before or after the passing of that Act.

Urban powers &c. in excluded parts of parishes.

33. All the powers rights duties capacities liabilities and obligations of an urban district council and the powers in relation to the chargeability of expenses with which the district council are invested in pursuance of any order issued by the Local Government Board or the Minister under the Public Health Acts in respect of the existing parishes of Archdeacon Newton Blackwell

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Barmpton and Whessoe shall be deemed to vest in and attach to the district council in respect of those contributory places as altered by this Part of this Act.

Transfer of public elementary schools.

34.—(1) For the purposes and subject to the provisions of the Education Act 1921—

(*a*) any public elementary school provided by the county council as local education authority and situate within the added area and the furniture fittings books and apparatus belonging to the county council of any public elementary school within that area shall by virtue of this Act be transferred to and vest in the Corporation as the local education authority for all the estate and interest therein of the county council as the local education authority;

(*b*) all contracts debts and liabilities which immediately before the appointed day are existing or are owing by or attach to the county council in respect exclusively of any public elementary school within the added area or of the furniture fittings books or apparatus or with respect to the officers teachers and servants of any public elementary school within that area shall by virtue of this Act enure to and be carried into effect and be discharged and satisfied by the Corporation as the local education authority;

(*c*) section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section;

(*d*) subject to any adjustment which may hereafter be made the liability for repayment of so much of any loan raised exclusively in respect of any public elementary school or of the furniture fittings or apparatus transferred to and vested in the Corporation by virtue of this Act as will be owing immediately before the appointed day and the liability for the payment of interest on that part of any such loan shall by virtue of this Act be transferred and attach to the Corporation as the local education authority and so much of any such loan as will then be owing shall be charged on the general rate fund and general rate and shall be repaid by the

Corporation within the period if any for which that part of the loan was originally sanctioned or within which that part of the loan is otherwise required to be repaid or is made repayable. A.D. 1930.

(2) In this section "public elementary school" includes the site and schoolhouse and also any land acquired and held by the county council as the local education authority for purposes of elementary education.

Education byelaws and managers.

35.—(1) Any byelaws under the Education Act 1921 or any enactment repealed by that Act which may be in force in the existing borough immediately before the appointed day shall apply to the borough until revoked or altered by the Corporation and from and after that day any byelaws then in force in the added area shall cease to be in force therein.

(2) Any reference in this Part of this Act to the provisions of the Education Act 1921 shall as respects any provision of that Act which may not be in operation at the appointed day be construed as a reference to the corresponding provision of the Education Acts 1870 to 1919 until such corresponding provision is repealed by the Education Act 1921.

(3) Every manager of an elementary school in the added area who was appointed by the county council or by the Haughton Council or nominated by the district council shall vacate office at the appointed day.

County police.

36.—(1) At the appointed day such members of the police force of the county as shall have been determined by agreement subject to the approval of the Secretary of State between the standing joint committee of the county and the Corporation or in default of any such agreement as shall be determined by the Secretary of State shall be transferred to and become part of the police force of the borough:

Provided that no member of the police force of the county shall be so transferred without his consent.

(2) Every member of the county police force so transferred shall hold office in the police force of the borough upon the same tenure and subject to the same terms and conditions as the other serving members of that police force of the same rank as such member

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and any period of service which he was entitled to reckon before such transfer for purposes of pay promotion or pension in the county police force shall be reckoned for the same purposes in the police force of the borough:

Provided that where the scale of ordinary pensions applicable to a member of the county police force who is so transferred is by virtue of section 29 (1) (*a*) of the Police Pensions Act 1921 a scale other than that prescribed in Part I of the First Schedule to that Act such scale shall continue to apply to him as if he had not been transferred.

(3) The provisions of subsection (2) of section 8 of the Police Pensions Act 1921 shall extend and apply to and in relation to any member of the county police force transferred under this section as if that member had removed with the written sanction of the chief constable of the county and notwithstanding that at the date of the transfer such member may not have completed one year's approved service in the county police force.

County police stations.

37.—(1) Any county police station and the site thereof situate in the added area with the residences for constables and cells connected therewith and the fittings and furniture thereof respectively shall by virtue of this Act be transferred to and vest in the Corporation as from the appointed day for all the estate and interest therein of the county council and section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section.

(2) In the event of the amount of the consideration for the transfer of the property which by virtue of this section is transferred to and vested in the Corporation not being ascertained before the appointed day the date of the final ascertainment of the consideration shall for the purposes of section 12 of the Finance Act 1895 be treated as the date of vesting.

As to coming into force of certain sections of Act.

38. Notwithstanding anything in this Act contained the sections of this Act of which the marginal notes are "County police" and "County police stations" respectively shall not be of any force or effect during the period of the agreement dated the first day of July one thousand nine hundred and twenty-six and made between the county council and the Corporation nor during any agreed extension of such period and for the purposes

of those sections the appointed day shall mean the day on which that agreement or any agreed extension thereof expires. A.D. 1930.

Provisions in reference to Land Charges Act 1925.

39.—(1) The local registrars for the county and for the Darlington district under the Land Charges Act 1925 and the rules made thereunder shall within one month after the appointed day supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to premises situate within those parts of the county and the said district which are within the added area and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

(2) The local registrar for the borough shall within one month after the receipt of the office copies mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate part of the local land charges register of the borough.

(3) Until the entries are made as aforesaid or until the expiration of two months from the appointed day whichever be the earlier the following provisions shall have effect in respect of all land in the added area :—

(*a*) The local registrar for the borough shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the Darlington district and in the register for the county;

(*b*) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the Darlington district the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county a copy of the application;

(*c*) The local registrars for the county and for the Darlington district shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed;

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(*d*) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrar for the county in pursuance of the provisions of paragraph (*c*) of this subsection shall be paid by the Corporation;

(*e*) Where a local land charge duly registered in the local land charges register of the county or of the Darlington district is in pursuance of this Part of this Act transferred from the county council or the district council to the Corporation such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the local land charges register of the borough.

As to resolutions &c. of district council under Town Planning Act 1925.

40. Any resolution passed or other proceeding taken by the district council under the Town Planning Act 1925 or any enactment thereby repealed (including agreements orders and consents entered into made or given under that Act or repealed enactment) and any resolution passed or other proceeding taken by the county council under that Act as extended by the provisions of the Act of 1929 shall in so far as they relate to lands within the added area have effect as if they had been passed or taken by the Corporation in respect of those lands.

Register of nursing homes.

41.—(1) The clerk of the county council shall before the appointed day send the town clerk a copy of every entry in the register of the county council under the Nursing Homes Registration Act 1927 which relates to any nursing home situate within the added area and the town clerk shall include in the register of the Corporation under that Act the particulars furnished by the clerk of the county council.

(2) Any exemption in force immediately before the appointed day from the operation of the Nursing Homes Registration Act 1927 which may have been granted by the county council in respect of premises within the added area shall continue in force until the exemption shall expire.

Rural district councillor.

42.—(1) The total number of councillors of the Darlington district shall be reduced by one.

(2) The person who immediately before the appointed day is the rural district councillor for the parish of Haughton-le-Skerne shall go out of office as rural district councillor on the appointed day.

(3) Any casual vacancy occurring in the office of rural district councillor for the said parish prior to the appointed day shall not be filled.

Liquidation of current debts and liabilities of Haughton Council.

43.—(1) The Haughton Council shall liquidate as far as practicable before the appointed day all current debts and liabilities incurred by them.

(2) If default is made by the said council in complying with the requirements of subsection (1) of this section—

(*a*) the Corporation may in accordance with section 2 (5) of the Rating and Valuation Act 1925 make and levy over such portion of the borough as is co-terminous with the added part of Haughton-le-Skerne as an additional item of the general rate such an amount in the pound as will be sufficient to defray the liability of that area in respect of the current debts and liabilities of the Haughton Council;

(*b*) the district council may in accordance with section 2 (5) of the Rating and Valuation Act 1925 make and levy over such portion of the parish of Barmpton as altered by this Act as is co-terminous with the excluded part of Haughton-le-Skerne as an additional item of the general rate such an amount in the pound as will be sufficient to defray the liability of that area in respect of the current debts and liabilities of the Haughton Council;

(*c*) any such additional item of the general rate may be made retrospectively to raise money for the payment of charges and expenses incurred by the Haughton Council at any time within one year before the appointed day.

Dissolution of Haughton Council and powers property and

44. Subject to the provisions of this Part of this Act—

(1) the Haughton Council shall cease to exist;

(2) any powers and duties transferred by or under the Act of 1894 to the Haughton Council in

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respect of the added area shall be vested in and imposed on the Corporation;

liabilities of Haughton Council &c.

(3) any property or liabilities held or incurred by the Haughton Council shall by virtue of this Act be transferred to vest in or attach to the Corporation and shall be a matter for adjustment under section 62 of the Act of 1888.

As to district councillors.

45. Subject to the provisions of section 60 of the Act of 1894 the persons who immediately before the appointed day are the rural district councillors for the parishes of Archdeacon Newton and Walworth the parish of Barmpton the parish of Blackwell and the parish of Whessoe respectively shall continue to represent the parish of Archdeacon Newton as altered by this Part of this Act and the parish of Walworth the parish of Barmpton the parish of Blackwell and the parish of Whessoe as altered by this Part of this Act on the council of the Darlington district until the day upon which they would have respectively retired from office if this Act had not been passed.

As to certain parish councils and parish meetings.

46.—(1) The parish meeting of Archdeacon Newton the parish council of Blackwell and the parish meeting of Whessoe shall cease to exercise any powers or discharge any duties within any part of the added area.

(2) As from the appointed day the parish council of the existing parish of Blackwell shall be deemed to have been elected as and shall be the parish council of the parish of Blackwell as altered by this Part of this Act.

Powers property &c. of parish council of Blackwell and parish meetings.

47.—(1) Subject to the provisions of this Part of this Act any powers and duties transferred by or under the Act of 1894 to the parish council of Blackwell or the parish meetings as the case may be so far as regards the added area shall be vested in the Corporation.

(2) Any property or liabilities held or incurred by the parish council of Blackwell or the parish meetings or representative bodies constituted by article 7 of the Overseers Order 1927 as the case may be in relation exclusively to the added area or any portion thereof shall by virtue of this Act be transferred to and vest in or attach to the Corporation.

(3) Any property or liabilities held or incurred by the parish council of Blackwell or the parish meetings or

representative bodies constituted by article 7 of the Overseers Order 1927 as the case may be in relation to the added area or any portion thereof conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888. A.D. 1930.

As to certain parishes.

48. Nothing contained in this Part of this Act shall be deemed to take away prejudice or affect the right of the county council to make any order or orders under the provisions of section 57 of the Act of 1888 as amended by section 48 of the Act of 1929 in relation to any part of the parishes of Archdeacon Newton Blackwell and Whessoe respectively which is not included in the added area and an order under that section may be made by the county council at any time after the passing of this Act with reference to any such part of the said parishes.

Adjustment of financial relations between county and county boroughs.

49.—(1) In any case where the extension of the existing borough by this Part of this Act affects the distribution of any money between the county and the borough or between the county and the borough on the one hand and any other county borough on the other hand or any financial relations or questions between the areas aforesaid or any adjustment which has been made in regard to the said distribution or financial relations or questions and in regard to the adjustment of which provision is not made in or by virtue of any other Act equitable adjustments may be made between the areas interested.

(2) Any such adjustment as is authorised by subsection (1) of this section may be made by agreement between the councils affected or by an arbitrator appointed by those councils and unless such adjustment has been made or an arbitrator has been so appointed before the thirty-first day of December one thousand nine hundred and thirty-one then on application of either of the councils interested the Minister may if he think fit make or appoint an arbitrator to make the adjustment.

(3) In any case in which an agreement for equitable adjustments as aforesaid has not been made or so far as any such agreement does not extend the provisions of the Act of 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Minister or an arbitrator appointed under subsection (2) of this section

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as the case may be shall be substituted in those provisions for the commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Act or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Minister be deemed to be made by him otherwise than as an arbitrator and any arbitrator appointed under subsection (2) of this section shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly Provided that—

(*a*) in lieu of subsection (6) of section 61 of the Act of 1888 subsections (1) and (5) of section 87 of the Act of 1888 shall apply to any inquiries which may be directed by the Minister under this section and to the costs of those inquiries; and

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

Adjustment for purposes of Licensing (Consolidation) Act 1910.

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

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

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

Apportionment of balances and sums

51.—(1) As soon as practicable after the appointed day the county council and the district council shall as regards any cash balance in their hands at the appointed

day estimate the proportion thereof derived from contributions paid by the added area and subject to a deduction on account of undischarged liabilities in respect of the added area accruing up to the appointed day shall transfer such amount to the Corporation. A.D. 1930. — received under precepts.

(2) Any sum received after the appointed day by the county council and the district council under a precept issued before that day in respect of the added area shall be dealt with in the manner prescribed by subsection (1) of this section.

(3) The apportionment under this section of any balance or sum received under a precept shall be subject to review on an adjustment under this Part of this Act.

52. In any adjustment between the Corporation and any council or other authority which may be made in consequence of this Part of this Act regard shall be had to the interest or share (if any) of the added area or any part thereof in any property— As to adjustments between Corporation and other authorities.

(*a*) which is retained by or transferred to such council or other authority after or as from the appointed day who will thereby be relieved from providing accommodation; or

(*b*) which was prior to the appointed day subject to beneficial user by the inhabitants of the added area or any part thereof; or

(*c*) which or some part of which is realisable;

and due credit shall be given in such adjustment to the Corporation in respect of such interest or share (if any) except to the extent to which the property will remain or become a burden on the council or other authority by whom it is retained or to whom it is transferred.

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

(2) An order made under this section may authorise the insurance committee for the county to continue to act as insurance committee for the added area until such date not being later than the thirty-first day of

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December one thousand nine hundred and thirty as may be specified in the order and may for that purpose postpone the operation of this Part of this Act so far as relates to the rights and duties of the respective insurance committees for the county and the borough until the date so specified and may provide for such financial adjustments and may contain such other consequential and supplementary provisions as may appear to the Minister necessary or expedient.

(3) An order under this section may be revoked revised or amended by an order made in like manner as the original order.

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

Settlement and irremovability.

54.—(1) Every person resident in any part of the added area at the appointed day who has acquired or is in the course of acquiring—

(*a*) a settlement in the county by reason of residence birth or other qualification therein; or

(*b*) a status of irremovability from the county by reason of residence therein;

shall be deemed to have acquired or to be in the course of acquiring thereby as the case may require a settlement in or a status of irremovability from the borough.

(2) For the purposes of this section consecutive periods of residence between the thirty-first March one thousand nine hundred and thirty and the appointed day in any portions of the county shall be aggregated and reckoned as continuous residence in that part of the county in which the person was residing at the appointed day.

Jury service.

55. For the purposes of summoning jurors and jury service any parish affected by this Part of this Act shall be deemed to continue unaltered until a new jurors' book comes into force.

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Parish books and documents.

56.—(1) All rate books books of account minutes of proceedings deeds papers and writings belonging to the parish of Haughton-le-Skerne and to the parishes of Archdeacon Newton Blackwell and Whessoe in relation exclusively to that parish and the added parts of those parishes respectively and all documents directed by law to be kept with the public books writings and papers thereof respectively except any book or document relating to ecclesiastical matters shall be deposited in such custody as the Corporation may direct.

(2) Any ratepayer of the parishes in the added area shall at all times have the same right of inspection and of making extracts from the books minutes deeds papers or writings referred to in this section which he would have had if this Act had not been passed.

Duplicate entries in electors' lists.

57.—(1) The registration officer of the parliamentary county of Durham shall supply the registration officer of the parliamentary borough of Darlington on publication with a sufficient number of copies of the electors' lists the lists of objections to the electors' lists the lists of claimants and the lists of objections to claimants for each registration unit comprising any part of the added area and shall forthwith notify the registration officer of the said parliamentary borough of his decisions on any objections or claims in respect of any such registration unit.

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

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

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(4) This section shall apply to the preparation of the register in the year one thousand nine hundred and thirty and of later registers.

Provision as to register of electors.

58.—(1) For the purposes of the register of local government electors of the borough prepared in the year one thousand nine hundred and thirty and of all matters connected with incidental to or consequent upon those purposes the added area shall be deemed to have formed part of the borough as from the first day of the qualifying period for the register for the year one thousand nine hundred and thirty.

(2) In the preparation of the register of electors in the year one thousand nine hundred and thirty it shall be competent to the registration officer to frame the register in separate parts for each area which will constitute a registration unit after this Act comes into operation instead of in separate parts for each area constituting a registration unit before the operation of this Part of this Act.

(3) If the register of local government electors for any area affected by this Act is not so framed as to show the persons entitled to vote at an election or parish meeting to be held for a ward or other voting area the town clerk or the registration officer of the parliamentary county of Durham as the case may require shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election or parish meeting.

(4) Any additional expense incurred by the registration officer which may be solely attributable to an alteration in the arrangement of a new register of electors or to a re-arrangement of an existing register of electors under the foregoing provisions of this section shall be defrayed by the Corporation.

(5) It shall be the duty of the town clerk and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the district council for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by any registration officer for the purpose of any alteration or re-arrangement authorised by subsection (3) of this section.

(6) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable to give effect to the provisions of this Part of this Act and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

Arrears of rates made by rating authorities.

59. Subject to any adjustment all rates not collected at the appointed day and levied upon any hereditament situate in any parish affected by this Part of this Act shall be collected and recovered by the rating authority under the Rating and Valuation Act 1925 in respect of the rating area in which the hereditaments will be situate by virtue of this Part of this Act or by any officer of such rating authority competent in that behalf.

Adaptation of provisions as to adjustments.

60.—(1) Agreements may be made by any councils or other authorities affected by the alteration of any areas or authorities made by this Part of this Act for the adjustment of any property income debts liabilities and expenses so far as they are affected by the alteration and section 62 of the Act of 1888 shall apply to any such adjustment with the following modifications :—

(*a*) As if in subsections (5) (6) and (7) of that section the expression " council " included any authority affected by this Act or by anything done in pursuance of this Act;

(*b*) As if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in subsection (6) of the section that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister may sanction;

(*c*) As if the fund or rate specified in any agreement or award of adjustment were substituted for any fund mentioned in the section; and

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(*d*) As if the following subsection were added to the section—

"(8) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that a separate rate shall be levied in part only of the parish the agreement or award may authorise such sum to be levied in that part as an additional item of the general rate."

(2) This section shall not extend to any matter for the adjustment of which provision is made in any other Act or in the sections of this Act whereof the marginal notes are "Transfer of public elementary schools" "County police stations" "Adjustment of financial relations between county and county boroughs" and "Adjustment for purposes of Licensing (Consolidation) Act 1910."

Parochial adjustments.

61. For the purposes of the application of section 62 of the Act of 1888 to any adjustment for which provision is not made in or by virtue of any other Act and which may become necessary in consequence of this Part of this Act so far as it relates to the alteration of the area or the abolition of any existing parish that section shall have effect—

(*a*) as if the general rate leviable under the Rating and Valuation Act 1925 in pursuance of the said section as applied by this Part of this Act were substituted for any fund mentioned in the section; and

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

"(6) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that any amount shall be charged separately on a part only of a rating area the agreement or award may authorise the levying of that amount on that part of the rating area together with and as an additional item of the general rate;

"(7) Any capital sum paid for the purposes of any adjustment or in pursuance of any order or award of an arbitrator shall be

applied by such person in such manner and for such purpose as the Minister of Health may authorise or direct."

Existing officers in added area.

62.—(1) All persons who at the passing of this Act are officers employed whole time by the county council or the Darlington Council exclusively in the added area shall be transferred to and become officers of the Corporation.

(2) Every officer so transferred shall hold his office or employment by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing similar duties to those which he was required to perform immediately before the appointed day shall receive not less salary wages or remuneration and shall be entitled to not less pension (if any) than the salary wages remuneration or pension to which he would have been entitled if this Act had not been passed.

(3) The Corporation may distribute their business among the transferred officers and other officers of the Corporation in such manner as they may think proper and every officer shall perform such duties in relation to that business as may be directed by the Corporation and the Corporation may abolish the office of any officer.

(4) If at any time within five years after the appointed day any transferred officer is required by the Corporation to perform duties which are not analogous to or which are an unreasonable addition to those which that officer was required to perform before the appointed day the officer may relinquish his office.

Compensation to existing officers.

63.—(1) Every officer in office at the passing of this Act who by virtue of this Part of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of fees salary or emoluments (and for whose compensation for that loss no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

(2) Any transferred officer who relinquishes his office under subsection (4) of the section of this Act of which the marginal note is "Existing officers in added area"

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or any officer whose services are dispensed with or whose fees salary or emoluments are reduced within five years after the appointed day because his services are not required or his duties are diminished in consequence of this Part of this Act and not on the ground of misconduct shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Part of this Act.

(3) All fees or remuneration received and retained by an officer in connection with the preparation of the jurors' book or the register of electors under the Representation of the People Acts shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purpose of compensation.

(4) The provisions set out in the Eighth Schedule to the Act of 1929 except the provision numbered 11 and paragraph (*c*) of the provision numbered 16 shall apply to the determination of compensation to officers under this Act as if such provisions were re-enacted in and formed part of this Act and as if references therein to "the council" and "a council" and to the Act of 1929 were references to the Corporation and to this Act respectively.

(5) The expression "registration officer" in such provisions shall mean for the purposes of this Act any superintendent registrar and registrar of births and deaths.

(6) For the purposes of this section and of the provisions in the Eighth Schedule to the Act of 1929 as applied by this section the expression "officer" includes in addition to the persons included in that expression as defined in the section of this Act of which the marginal note is "Interpretation" a local registrar under the Land Charges Act 1925 and the rules made thereunder and any teacher employed in a public elementary school which is maintained but not provided by a local education authority.

Compensation and superannuation.

64. No officer shall be entitled to receive compensation under this Part of this Act for any pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

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Minister may order differential rating.

65.—(1) The Minister may on the application of the Corporation on the one hand or of the local authority of any part of the added area or any railway company owning property therein on the other hand (such application to be made in writing before the expiration of a period of two months after the passing of this Act) order that the total amount in the pound of the general rate to be made and levied upon rateable hereditaments situate in such part of the added area shall as the case may require be more or less than the total amount in the pound of the general rate to be made and levied upon hereditaments within that part of the borough which comprises the existing parish of Darlington by such sum or sums and for such period as may seem equitable to the Minister after considering any representations that may be made to him by such local authority or railway company or by the Corporation as the case may be.

(2) For the purpose of this section the expression "local authority" includes a parish council and where there is no parish council a parish meeting in addition to any other local authority as defined by the section of this Act of which the marginal note is "Interpretation."

Application of Rating and Valuation Act 1925.

66.—(1) As from the appointed day—

(*a*) the added area shall be deemed to form part of the rating area and of the assessment area of the borough;

(*b*) the portion of the valuation list of the Darlington district which relates to the added area shall form part of the valuation list of the borough and the remaining portion of the valuation list of the Darlington district shall form the valuation list of that district;

(*c*) any scheme made under the Rating and Valuation Act 1925 for the constitution of an assessment area which includes any part of the added area shall be varied by excluding such part from such assessment area and any person who immediately before that day is the representative of any part of the added area on any assessment committee shall cease to represent the same.

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(2) Except as expressly provided by this Part of this Act nothing in this Part of this Act shall affect the provisions of the said Act of 1925.

Deduction in ascertaining rateable value of tithes railways &c.

67. For the purposes of all valuation lists of the borough under the Rating and Valuation Act 1925 the amount of the deduction to be made under paragraph (*c*) of subsection (1) of section 22 of that Act from net annual value in the ascertainment of the rateable value of such rateable hereditaments within the added area as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall be twenty-six per centum and such adjustments of the value of those hereditaments shall be made by the Corporation as may be necessary to give effect to the provisions of this section.

Audit of accounts of Haughton Council.

68.—(1) The accounts of the Haughton Council shall be made up to the appointed day and shall be audited by the district auditor in like manner and subject to the like incidents and consequences as if this Act had not been passed.

(2) Any sum certified by the district auditor to be due from any person at the audit of the accounts to which this section applies shall be paid to the treasurer and shall if necessary be a matter for adjustment.

(3) This section shall apply to the accounts of any committee or officer of the said council as it applies to the accounts of that council.

Estimated product of rates.

69. For the purpose of ascertaining the amounts due under the precepts issued by the county council to the district council in respect of the financial year ending on the thirty-first day of March nineteen hundred and thirty-one the product of a penny rate in the Darlington district shall notwithstanding anything in the Rating and Valuation Act 1925 or any rules made thereunder be determined separately for each half-year of that financial year and the amounts due in respect of the financial year under those precepts shall be ascertained accordingly.

In issuing their precept on the district council for the second half of the said financial year the county council shall take into consideration the reduction of the rateable value of the Darlington district consequent

on the extension of the borough under this Act and shall make corresponding reductions in the instalments payable by the district council under such precept. A.D. 1930.

Saving for qualification of aldermen &c.

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

Saving for actions contracts &c.

71.—(1) No alteration effected by this Part of this Act in the area of any local authority shall cause to abate prejudicially affect or prevent the continuance of any action cause of action or proceeding which at the appointed day is pending or existing by or against any such authority or any contract deed bond agreement or other instrument (subsisting at the appointed day) entered into or made by any such authority or their predecessors:

Provided that—

(*a*) Any action cause of action or proceeding which at the appointed day is pending or existing by or against any such authority in relation exclusively to any part of the added area may be continued prosecuted and enforced by or against the Corporation;

(*b*) All contracts deeds bonds agreements and other instruments (subsisting at the appointed day) entered into or made by any such authority or their predecessors in relation exclusively to any part of the added area may be continued and enforced as fully and effectually as if instead of such authority or their predecessors the Corporation had been a party thereto.

(2) All legal proceedings pending at the appointed day may be amended in such manner as may be necessary or proper in consequence of this Part of this Act.

Saving for contribution orders and precepts.

72. Notwithstanding any alteration of area effected by this Part of this Act all contribution orders issued and precepts made before the appointed day shall be as valid in law as if this Act had not been passed.

Saving for powers of Minister &c.

73. Nothing in this Part of this Act shall be construed as restricting the powers of the Minister under the Acts relating to the relief of the poor or the powers of the

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Secretary of State the Minister the county council or the Corporation under the Act of 1888 or the Act of 1894 or the Poor Law Act 1927 or the Act of 1929.

Saving for parliamentary divisions.

74. Nothing in this Part of this Act shall alter the area of any parliamentary borough or parliamentary county or any division thereof or affect the powers of a county council under section 31 of the Representation of the People Act 1918 or any Order or scheme for the division of a constituency into polling districts for parliamentary elections and the appointment of polling places for parliamentary elections.

Saving for ecclesiastical divisions.

75. Nothing in this Part of this Act shall affect the ecclesiastical divisions of any parish.

Saving for charities.

76. Nothing in this Part of this Act shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment.

Saving as to land tax and income tax.

77. Nothing in this Part of this Act shall affect land tax and for the purposes of Imperial taxes or duties other than land tax the provisions of the section of this Act of which the marginal note is "Alteration of parishes" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year.

PART III.

WORKS AND LANDS.

Power to construct weir.

78. Subject to the provisions of this Act the Corporation may within the borough and the parish of Cleasby in the rural district of Croft construct maintain work and use in the lines and according to the levels shown on the deposited plan and section thereof a weir across the river Tees (Work No. 1 on the deposited plans) with sluices commencing at a point on the left bank of the river one hundred and sixty-three yards or thereabouts measured in a south-easterly direction from the south-eastern corner of the waterworks of the Corporation and terminating on the right bank of the said river at a point one hundred yards or thereabouts south-east of the point

where the eastern boundary fence of the said waterworks if continued in a straight line in a southerly direction would intersect such right bank together with all proper walls culverts pipes piles sluices fish passes and other apparatus for the passage of fish works and conveniences in connection therewith Provided that nothing in this Part of this Act shall exempt the Corporation from the obligations imposed by sections 19 and 23 of the Salmon and Freshwater Fisheries Act 1923.

Power to construct street improvements.

79. Subject to the provisions of this Act the Corporation may within the borough make and maintain in the lines and according to the levels shown upon the deposited plans and sections thereof the street improvements hereinafter described with all proper works and conveniences in connection therewith (that is to say) :—

Work No. 2 A widening and improvement of Parkgate on the north side thereof commencing at a point four yards or thereabouts north of the south-eastern corner of the premises numbered 85 Parkgate and terminating at a point five yards or thereabouts north of the western end of the northern abutment of the west bridge carrying the London and North Eastern Railway over Parkgate;

Work No. 3 A widening and improvement of Parkgate on the north side thereof and of Bridge Terrace on both sides thereof commencing at a point seven yards north of the eastern end of the northern abutment of the east bridge carrying the London and North Eastern Railway over Parkgate and terminating at the south-western corner of the premises known as number 1 Yarm Road;

Work No. 4 A new street commencing at a point on the west side of Railway Terrace twenty-nine yards or thereabouts measured in a southerly direction from the western termination of Union Place on the north side thereof and terminating at a point on the eastern side of Green Street thirty yards north of the south-west corner of the premises known as number 1 Yarm Road.

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Removal of bridge &c.

80. In constructing Work No. 3 by this Part of this Act authorised the Corporation may demolish the existing bridge over the street known as Parkgate and may stop up and extinguish all rights of way thereover.

Limits of deviation.

81. The Corporation may in constructing the works by this Part of this Act authorised deviate laterally from the lines shown on the deposited plans relating thereto to any extent not exceeding the limits of lateral deviation shown thereon and the Corporation may deviate vertically from the levels shown on the deposited sections (*a*) of the weir to any extent not exceeding three feet upwards and to any extent downwards and (*b*) of the street improvements to any extent not exceeding two feet upwards and two feet downwards.

Power to erect shops &c. in connection with street improvements.

82. The Corporation may upon the lands shown on the deposited plans and in connection with and as part of the street improvements authorised by this Part of this Act provide erect and maintain shops and conveniences in connection therewith and let the same on lease or otherwise or any part or parts of the same for such purposes on such conditions and for such periods as they think fit.

Power to make subsidiary works.

83.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans and relating thereto the Corporation in connection with and for the purposes of the street improvements authorised by this Part of this Act and as part of the said works may execute or do any of the following works or things (namely):—

(*a*) make junctions and communications with any existing streets intersected or interfered with by or contiguous to the said improvements and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with the said works;

(*b*) execute any works for the protection of any adjoining land or buildings;

(*c*) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;

(*d*) raise lower alter and interfere with any drain sewer channel or gas or water main or pipe or

electricity wire or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that the Corporation shall not raise lower alter or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to alter steps areas pipes &c.

84. Within the limits of deviation shown on the deposited plans relating to the street improvements authorised by this Part of this Act the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to stop up streets.

85.—(1) Subject to the provisions of this Act the Corporation may for the purposes of and in connection with the street improvements stop up the following streets and parts of streets :—

(i) So much of Railway Terrace as is situate between its junction with Bridge Terrace and a point eighteen and three-quarter yards northward of that junction;

(ii) So much of Silver Street as is situate between its junction with Bridge Terrace and a point eighteen and one-third yards northward of that junction;

(iii) So much of Chancery Street as is situate between its junction with Bridge Terrace and a point eighteen and one-third yards northward of that junction.

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(2) On the stopping up (otherwise than temporarily) of any street or part of a street under the powers of this Act all rights of way over the same and other rights in respect thereof shall be extinguished and the site and soil thereof shall vest in the Corporation :

Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished under or by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Temporary stoppage of streets.

86.—(1) The Corporation during the execution of the powers of this Part of this Act relative to the street improvements authorised thereby may break up and also temporarily stop up divert and interfere with any street for the purpose of executing such powers and may for any reasonable time prevent all persons other than those bona fide going to or returning from any house in the street from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or returning from any such house.

Application of materials excavated in construction of works.

87. Any paving metalling or material excavated by the Corporation in the construction of any works authorised by this Part of this Act or from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Land laid into streets to form part thereof.

88. All lands acquired by the Corporation under this Part of this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Power to take lands.

89. Subject to the provisions of this Act the Corporation may (in so far as they are not already possessed of the same) enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for

and in connection with the works by this Part of this Act authorised or for the purpose of recoupment or exchange or for rehousing persons displaced under the provisions of this Act and may also enter upon take use and hold the lands hereinafter described and situate within the borough which are delineated on the deposited plans and described in the deposited book of reference (that is to say) :—

For the purpose of providing alternative access to certain property of the London and North Eastern Railway Company—

An area of unbuilt upon land comprising ·608 acres or thereabouts bounded on the west in part by the premises numbered 85 Parkgate in part by the premises in Melland Street known as Moody's Stores and in part by the eastern termination of Melland Street on the north in part by a strip of land on the south side of the premises in Melland Street occupied by Messieurs H. Binns Son and Company Limited and Messieurs Backhouse and Moody and in part by an imaginary line thirty-four yards or thereabouts in length drawn from west to east in continuation of the north-east boundary of Melland Street on the east by the London and North Eastern Railway Company's Bank Top coal depot and on the south by an imaginary straight line drawn from east to west from the southern end of the wall forming the western boundary of the said coal depot to a point eight yards or thereabouts north of the south-eastern corner of the property numbered 85 Parkgate.

Correction of errors in deposited plans and book of reference.

90. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the borough for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in

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their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the counties of Durham and the north riding of York as the case may require and a duplicate shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

91. The powers conferred upon the Corporation for the compulsory purchase of lands by this Act shall cease upon the thirty-first day of December nineteen hundred and thirty-five.

Compensation in case of recently acquired interest.

92. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November nineteen hundred and twenty-nine if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to enter upon property for survey and valuation.

93. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance not less than twenty-four hours' and subsequently not less than twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

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Benefits to be set off against compensation.

94. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of the street improvements or arising through such adjoining lands becoming lands fronting on any street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Owners may be required to sell parts only of certain premises.

95.—(1) Whereas it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto therefore the following provisions shall have effect :—

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

(*b*) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

(*c*) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the

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tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;

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

(*e*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;

(*f*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

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

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

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

Persons under disability may grant easements &c.

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

Extinction of private rights of way.

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

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any

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such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Further powers for acquisition of land.

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

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

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

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

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

For protection of Tees Commissioners.

99. For the protection of the Tees Conservancy Commissioners (in this section called "the commissioners") the following provisions shall unless otherwise agreed in writing between the Corporation and the commissioners apply and have effect:—

(1) The Corporation shall (*a*) carry out the construction of the weir (Work No. 1) in such manner as so far as reasonably possible to prevent any debris or other solid matter that would or might increase the silt deposit in the reaches of the river Tees below the said weir falling into the said river and (*b*) prevent so far as reasonably possible loose timber or similar materials falling into the said river to the danger of navigation:

(2) If owing to the construction of the said Work No. 1 any deposit of solid material occurs in the said river within the jurisdiction of the commissioners whereby damage is caused to the said river or the navigation thereon the commissioners may remove any obstruction or carry out such dredging operations as may be necessary to mitigate such damage and the reasonable cost incurred by the commissioners in so doing shall be a debt due by the Corporation to the commissioners and shall be recoverable summarily as a civil debt:

(3) Any difference which may arise between the commissioners and the Corporation with reference to the provisions of this section shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Saving for rights of Tees Commissioners.

100. Nothing in this Part of this Act shall prejudicially affect any powers rights or authorities vested in or exercised by the Tees Conservancy Commissioners.

For protection of Tees Valley Water Board.

101. For the protection of the Tees Valley Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed

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(1) Before commencing any of the works by this Act authorised in any street in or under which any mains pipes syphons or other works (in this section referred to as "apparatus") of the board are situate whereby any such apparatus will be affected the Corporation shall deliver to the board plans sections and descriptions of all works so proposed to be executed describing the proposed manner of executing the same and such plans sections and descriptions shall be delivered to the board at least fourteen days before the commencement of any such work :

(2) If it should appear to the board that such works will interfere with or endanger any of their apparatus or impede the supply of water by means of such apparatus the board may give notice to the Corporation to lower or otherwise alter the position of such apparatus or to support the same or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under any apparatus cement concrete or other like substance and any difference as to the necessity of such lowering alteration support substitution or laying or placing cement concrete or other like substance (in this section referred to as "protective works") shall be settled as hereinafter provided such works of the Corporation to be constructed so that not less than either three feet or such less depth as represents the existing cover shall anywhere be left between the crown of the said works and the surface of the ground All such protective works shall save as hereinafter provided be done and executed by and at the expense of the Corporation but to the reasonable satisfaction and under the superintendence of the engineer of the board :

(3) If the board by notice in writing to the Corporation within fourteen days after the

receipt by them of notice of the intended commencement by the Corporation of any such works of the Corporation so require the board may by their own engineer or workmen do and execute protective works so far as they affect the apparatus of the board and the Corporation shall on the completion thereof pay to the board the reasonable expenses incurred by them in the execution of such protective works :

(4) In the event of the plans sections and descriptions so delivered to the board as aforesaid not being objected to within fourteen days from such delivery the works shown and described thereon shall be executed in strict accordance therewith :

(5) Any difference which arises between the board and the Corporation under this section shall be settled by arbitration by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other.

For protection of Durham County Council.

102. The Corporation shall indemnify the county council against any claims which may be made against the county council in respect of any injury or damage caused by or in consequence of flooding or otherwise due to the construction or maintenance of the weir (Work No. 1) by this Part of this Act authorised or any of the works or conveniences connected therewith.

PART IV.

WATER.

Provisions as to fouling of water.

103.—(1) For the prevention of the pollution of the river Tees above the points at which the Corporation are empowered to abstract water and of any river stream or watercourse through which any water may for the time being flow into that river above those points the Corporation may with the consent of the county council and of the county council of the north riding of Yorkshire and of the district council in whose district such pollution occurs or subject to

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the provisions of this section of one of such councils if the other refuse or neglect to give such consent and decline or neglect forthwith to do the work themselves enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 or of the Public Health Acts with respect to such waters and watercourses or in respect of any nuisance which may exist in proximity thereto and the Corporation with such consent as aforesaid shall have and may if they think fit from time to time exercise such or the like powers as may for the time being be exerciseable by such county council or district council as the case may be under any enactment for the prevention of the pollution of the said river or of any such river stream or watercourse or for the prevention or abatement of any such nuisance and the provisions of such enactment shall for the purpose aforesaid extend and apply with any necessary modifications to the Corporation.

(2) If the county council and the district council in whose district the pollution occurs or is likely to occur refuse or neglect for the space of fourteen days after being requested by the Corporation either to enforce the provisions of the said Acts or to consent to the enforcement thereof by the Corporation the Corporation may appeal to the Minister who may give to them such consent subject to such terms and conditions as he may think fit and thereupon the Corporation may proceed to enforce the provisions of the said Acts.

(3) If in pursuance of any requirement by the Corporation any expenses reasonably incurred by any owner or occupier of lands in fencing off any watering place for horses or cattle on any river or stream and in providing or maintaining a convenient alternative watering place and supplying or keeping the same supplied with water suitable for the needs of horses and cattle in order to prevent the pollution or the risk of pollution of any waters of the river Tees above the said points at which the Corporation are empowered to abstract water or any waters which find their way into such last-mentioned waters such expense shall be repaid to such owner or occupier by the Corporation and may be recovered by such owner or occupier from the Corporation summarily as a civil debt.

(4) (*a*) The Corporation may from time to time contribute such annual or other sums as may be necessary to give effect to any term or condition subject to which the Minister may have given his consent under subsection (2) of this section.

(*b*) Every such annual or other sum shall be deemed to be payable as part of the cost of the construction or maintenance of the water undertaking and shall be paid by the Corporation accordingly.

Prohibition of throwing offensive matter &c. into rivers.

104. If any person shall knowingly and wilfully discharge throw or put or cause or suffer to fall or flow into the river Tees or any river stream or watercourse through which any water may for the time being flow into that river between any point at which the Corporation are empowered to abstract water and a point five miles from that point measured therefrom up the course of that river and any such river stream or watercourse as aforesaid any offensive matter whether solid or fluid or any earth mud ashes dirt soil or refuse of any description 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 the water or to pollute the water or bathe or wash any part of his person in the said river between any such first-mentioned point and a point two miles from that point measured therefrom as aforesaid he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds Provided that where any offence against this enactment is committed from or out of any boat or other vessel the person in charge of such boat or other vessel shall be liable to be proceeded against and punished under this section.

Prohibiting bathing and boating on reservoirs of Corporation.

105.—(1) No person shall bathe or wash any part of his person or any article or thing or commit any nuisance in any reservoir of the Corporation or except with the consent of the Corporation use any boat upon any such reservoir.

(2) Any person offending against the provisions of this section shall on summary conviction be liable to a penalty not exceeding five pounds.

As to joint committee of Corporation and

106.—(1) A joint committee of the Corporation and of the Tees Valley Water Board appointed by the Corporation and the said board respectively may exercise such

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Tees Valley Water Board for certain purposes.

of the powers conferred upon the Corporation by the sections of this Act of which the marginal notes respectively are "Provisions as to fouling of water" and "Prohibition of throwing offensive matter &c. into rivers" and upon the said board by the corresponding provisions of the Tees Valley Water Board Act 1930 as the Corporation and the board shall from time to time determine.

(2) Any joint committee appointed as aforesaid for the said purposes shall consist of three members of the council appointed by that council and three members of the said board appointed thereby.

(3) The provisions of subsections 2 to 6 of section 81 of the Act of 1888 relating to joint committees appointed under that section shall subject to any necessary modification apply with reference to the appointment of any joint committee under this section and to any joint committee so appointed as if the expressions "council" and "county council" in those subsections included the said board.

PART V.

ELECTRICITY.

As to electricity limits of Corporation.

107. Where under the provisions of any Act or Order relating to the Corporation or the electricity undertaking the electricity limits are bounded by or abut upon any road such limits shall be deemed to extend to the centre of the road.

Agreements for supply of electricity.

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

Supply to premises partly without electricity limits.

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

Power to construct electrical substations under streets.

110. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may (with the consent of the road authority) in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain substations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such substations transforming stations and works as may be necessary or convenient Provided that the consent of the road authority shall not be unreasonably withheld and any question which may arise as to whether or not such consent has been unreasonably withheld shall be referred to and settled by an arbitrator to be agreed upon between the parties to the dispute and failing such agreement to be appointed on the application of either party after notice to the other by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory amendment thereof shall apply to the reference Provided also that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such substations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

Provided also that the Corporation shall not construct any such substation transforming station or work (*a*) in or upon any bridge carrying a street over a railway or under any bridge carrying a street over a railway or under any bridge carrying a railway over a street or

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within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the railway company concerned but such consent shall not be unreasonably withheld or (*b*) so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company.

Power to lay electric mains in private streets.

111. The Corporation may upon the application of the owner or occupier of any premises within the electricity limits abutting on or being erected in any street laid out or made and whether dedicated to the public use or not supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the schedule to the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof and to any works constructed or executed by the Corporation under the provisions of this section :

Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depot of a railway company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Power to lay down electric lines under rivers and streams.

112.—(1) The Corporation may within the electricity limits lay down place maintain and use electric lines on the bed of any river or stream between two streets in any case in which such streets abut on opposite sides of such river or stream and are situate either immediately opposite each other or within a distance of not exceeding one hundred yards measured along the stream from one street to the other but no such lines shall be so laid down placed maintained or used as to injuriously affect or to interfere with the use of any existing works or apparatus in under across over or on the banks of any such river or stream nor shall the powers of this section be so exercised as to restrict or interfere with the rights or powers of any person interested in any property through or over which any such lines are laid

down placed maintained or used to lay any electric lines over or under any such electric lines of the Corporation.

(2) If any such lines of the Corporation are laid down or placed upon any private property the Corporation shall pay to the owner lessee and occupier of such property such compensation in respect thereof as may be agreed or failing agreement settled by arbitration under the provisions of the Lands Clauses Acts.

(3) The provisions of section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they relate to the Postmaster-General shall extend and apply to the laying down or construction by the Corporation of any electric lines under the provisions of this section.

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

Power to lay down connecting lines in certain cases.

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

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

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

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

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Further powers as to entry upon premises.

114.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or is proposed to be or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking of the Corporation or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

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

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 as extended by this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in either of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

As to maximum power which may be demanded.

115.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a standby supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of

agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

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

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

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

Use for lighting purposes of electricity supplied for other purposes.

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

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may be for the time being charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any

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other purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

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

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

As to use of transformers.

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

Period of error in defective meters.

119.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Power to recover cost of cutting off supplies.

120. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

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Charges for special readings of electricity meters.

121. The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings Provided that such charges shall not exceed the sum of one shilling for each reading.

Provisions as to supply of electricity by agreement.

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

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

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

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

(i) they are satisfied that any electricity supplied to such consumer will be consumed in accordance with the terms of such agreement; and

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

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

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be

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

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

Byelaws as to apparatus and fittings.

123.—(1) The Corporation may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply.

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

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

Sale of electrical apparatus let on hire.

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

or occupier upon such terms and conditions as may be agreed between him and the Corporation. A.D. 1930.

Power to refuse to supply electricity in certain cases.

125. The Corporation may cut off and refuse to supply electricity to any person whose payments for the supply of electricity or meter rent in respect of the supply thereof are for the time being in arrear (not being the subject of a bona fide dispute) whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Attachment of brackets &c. to buildings.

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

Provided that—

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

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

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

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

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

Receipts and expenses.

127.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

PART VI.

MARKETS SLAUGHTER-HOUSES &C.

Market tolls.

128.—(1) The Corporation may demand and take from any person in respect of markets and slaughter-houses tolls not exceeding those specified in the Act of 1872 as amended by this Act or such other tolls as may from time to time be fixed in manner provided by section 167 or 169 (as the case may be) of the Public Health Act 1875.

(2) The tolls specified in the Act of 1872 shall be amended as follows—

(*a*) in respect of the cattle market in lieu of the toll specified in that behalf in Part II of the Fourth Schedule to the Act of 1872 for every head of lean stock the sum of sixpence; and

(*b*) in respect of slaughter-houses in lieu of the tolls specified in Part III of the said schedule the tolls specified in the Sixth Schedule to this Act.

Provision of public slaughter-houses and prohibition

129.—(1) At any time after the passing of this Act the Corporation may—

(*a*) acquire by agreement any premises within the borough used for the purpose of slaughtering

cattle sheep goats or swine (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee or occupier of such premises;

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Compensation to owners of private slaughter-houses thereafter.

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

(2) At any time after the expiration of three years from the passing of this Act and after the Corporation have provided an adequate slaughter-house in a convenient position (to the satisfaction of the Minister) and after the expiration of six months from the date of publication by the Corporation in a local newspaper circulating in the borough of notice to that effect no person shall slaughter in the way of trade any cattle sheep goats or swine within the borough except in a slaughter-house provided by the Corporation but this restriction shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle sheep goats or swine belonging to him and not slaughtered for the purpose of trade or by a farmer on premises occupied by him for agricultural purposes only and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds.

(3) The Corporation shall pay or tender compensation to the owner and occupier of any slaughter-house the licence in respect of which is not required to be renewed periodically or is not revocable by the Corporation and closed under the provisions of this section and the amount of such compensation shall in case of difference be settled as cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly Provided that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in respect of the closing of such slaughter-house.

(4) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister

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of Agriculture and Fisheries made granted or done thereunder.

Erection of offices shops &c.

130. The Corporation may erect or provide offices shops stores warehouses and other tenements or buildings for the purposes of or in connection with any of their markets and the markets undertaking but nothing in this section shall authorise the Corporation to erect any office shop store warehouse or other tenement or building in such manner as to infringe any existing legal rights of any owners lessees or occupiers of any land or property in the vicinity thereof.

Corporation may provide moveable stalls.

131. The Corporation may provide maintain and let on hire in connection with their markets and the markets undertaking moveable stalls trestles and stands and may charge for the use thereof sums not exceeding two-thirds of the stallages rent or tolls which they are from time to time entitled to charge in respect of the use of the space occupied by such moveable stalls trestles and stands.

Use of market place for public meetings &c.

132. The Corporation may permit any market place or any land used for the purposes of any market or cattle market and any open land belonging to them to be used for public meetings public services and speaking and public lectures or for entertainments and dancing and they may make regulations with respect to the purposes of such user and as to the conduct of persons resorting thereto and may make such charges for such user as they may from time to time determine but nothing in this section shall operate to prevent the holding of any market nor empower the Corporation to make any charge for the use of land forming part of a street.

Power to take possession of stalls for non-payment of rent &c.

133. If any tenant stallholder or occupier shall not after any stallages rents or tolls have become due and payable to the Corporation in respect of any stall standing place bench cellar or other convenience in any market house market hall market place or fair belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stall standing place bench cellar or

other convenience and re-let the same without prejudice to any other remedy for the recovery of such stallages rents or tolls. A.D. 1930.

As to emaciated or diseased animals.

134.—(1) The markets superintendent any officer of the market the sanitary inspector or any constable may remove or exclude from any market of the Corporation any emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon is suspected by him to be affected with tubercular disease.

(2) Every veterinary inspector of the Corporation the markets superintendent any officer of the market the sanitary inspector or any constable may detain for a period not exceeding the hours of the market and three hours after the closing of the market on the day upon which such animal is so detained any emaciated or diseased animal brought to any cattle market of the Corporation and any person wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

Extension of sections 116 to 119 of Public Health Act 1875.

135.—(1) Any animal brought to any cattle market of the Corporation at which animals intended for food are in fact sold shall (unless the contrary be proved) be deemed to be deposited for the purpose of sale and intended for food within the meaning of sections 116 to 119 (relating to unsound meat &c.) of the Public Health Act 1875 and the provisions of those sections shall respectively apply to any such animal.

(2) Any person knowingly causing directing or permitting any animal which is diseased or unsound or unwholesome or unfit for food to be brought to any such market of the Corporation and any person (including any auctioneer) who offers for sale or sells any such animal knowing it to be diseased or unsound or unwholesome or unfit for food as well as the persons mentioned in section 117 of the Public Health Act 1875 shall be liable to a penalty as mentioned in the said section 117.

Corporation may provide &c. automatic weighing machines.

136. The Corporation may provide and maintain or cause to be provided and maintained automatic machines for weighing persons in the market halls and places and in public baths and on other premises

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belonging to them and may charge for the use of any such machines which they themselves provide and maintain.

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS.

Adjustment of boundaries of streets.

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

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

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

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

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

(6) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue

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

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

Adjustment of boundaries of estates.

138.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) within the borough are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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

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

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

As to pavement lights.

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

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

(3) Any agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

Crossings for horses or vehicles over footways.

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

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

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

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

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

(4) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in

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Power to determine width of carriageways and footways.

141. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the borough repairable by the inhabitants at large Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

As to fencing footways in certain cases.

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

Direction signs.

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

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

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

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

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As to hoardings and similar structures.

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

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

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

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

(*b*) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2) (*a*) The Corporation 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 such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

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

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

As to erection of retaining walls.

145.—(1) Before any person shall erect on any land within the borough a retaining wall of greater height than six feet abutting on or adjacent to any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Erection of buildings to greater height than adjoining building.

146.—(1) In case any building within the borough is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if it is required by the Corporation and is reasonably practicable at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

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

Dilapidated and neglected buildings.

147.—(1) Where an unoccupied building within the borough is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation

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or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or to repair such building (in this section referred to as a "neglected structure") or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

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

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

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

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

As to dangerous buildings.

148.—(1) In the case of any building within the borough which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation

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may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures.

Means of escape from buildings in case of fire.

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

(2) (*a*) From and after the first day of July nineteen hundred and thirty-one the Corporation in the case of every existing building exceeding two storeys in

height and used or intended to be used as flats or as a tavern hotel hospital boarding house common lodging house or boarding school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient fire-fighting and first-aid appliances and proper and sufficient means of escape from each upper storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such portable appliances and means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

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

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

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

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

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

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

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

Food storage accommodation.

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

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

to make such order as the court may think fit and to award costs.

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

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

(3) For the purposes of this section the expression "dwelling-house" shall include any part of a house where that part is occupied separately as a dwelling-house.

Separate sewers for sewage and surface water.

151.—(1) Where under the provisions of any local or general Act the Corporation have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and sewage respectively Provided that the cost of providing in pursuance of this section separate surface water sewers in a street already sewered shall be borne by the Corporation.

(2) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewer.

(3) 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.

(4) In the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof would but for the passing of this Act have been sufficient effectually to drain such house or premises the Corporation shall at their own expense make all necessary alterations to the drains

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and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and no penalty shall be incurred under this section in the case of such house or premises until the completion of such alterations as aforesaid.

(5) Any contracts or agreements entered into by the Corporation with any person and any undertakings given to or by the Corporation prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

As to repair of drains.

152. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine :

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

Sanitary conveniences for workmen engaged on buildings:

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

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

Penalty for throwing rubbish into streams.

154. 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 borough so as to interfere with the due flow of such river stream or watercourse shall be liable to a penalty not exceeding five pounds.

Part VIII.

Infectious Disease and Sanitary Matters.

Definition for purposes of this Part of Act.

155. For the purposes of the sections of this Act of which the marginal notes are "Parents to notify infectious disease" and "Power to close Sunday schools and exclude children from entertainments" respectively the expression "infectious disease" includes measles german measles whooping cough chicken pox scabies ringworm and influenza in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

Parents to notify infectious disease.

156.—(1) Any person being a parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

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

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

Power to close Sunday schools and exclude children from entertainments.

157.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or any department thereof within the borough 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

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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.

Information to be furnished in case of infectious disease.

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

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

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

Names of laundrymen to be furnished.

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

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

Registration of ice-cream manufacturers and premises.

160.—(1)—

(*a*) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough; and

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

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

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

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

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

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

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

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

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

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

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

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

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) Every vendor of or dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or stand shall have his name and address legibly

painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

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

As to filthy premises.

163.—(1) If the owner of any dwelling-house or premises occupied therewith within the borough represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer or the sanitary inspector 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 and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

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

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(3) For the purposes of this section the expression "dwelling-house" shall include any part of a house where that part is occupied separately as a dwelling-house.

As to dustbins.

164.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop within the borough which abuts upon a back street to provide covered tipping dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such type size and construction as may be approved by the Corporation.

(2) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop within the borough which does not abut upon a back street to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

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

(4) Provided that the foregoing 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 design material size and construction and in proper order and condition.

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

(6) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsections (1) or (2) of this section as the case may be or who fails to comply with his obligation under subsection (3) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (5) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

(7) Nothing in this section shall apply to any warehouse belonging to a railway company from which the Corporation do not remove the refuse.

(8) For the purposes of this section the expression "back street" shall have the same meaning as is given to it by section 43 of the Act of 1872.

As to infected stables or other places.

165.—(1) Where the veterinary surgeon of the Corporation has certified that any infectious or parasitic disease has appeared in any stable cowshed or other place within the borough where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Corporation may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

(3) In this section the expression "the veterinary surgeon of the Corporation" means a veterinary inspector appointed by the Corporation under the Diseases of Animals Act 1894.

Prohibition of tents vans &c.

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

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

(3) Any person aggrieved by the withholding by the Corporation of their approval or consent under the

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provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem meet The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(4) This section shall not apply to (*a*) a tent van shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (*b*) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor or travelling showman or a stallholder in or in connection with any roundabouts or travelling show and not being a pedlar or hawker.

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

Notice to be given of this Part of Act.

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

Part IX.

Finance.

Power to borrow.

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

period ") mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period.
	£	
(*a*) The construction of the weir authorised by this Act and the works in connection therewith.	4,200	Thirty years from the date or dates of borrowing.
(*b*) The construction of the street improvements authorised by this Act.	29,000	Thirty years from the date or dates of borrowing.
(*c*) The purchase of land - - -	30,100	Sixty years from the date or dates of borrowing.
(*d*) The paying of any capital sums to the county council or any other authority under or in pursuance of this Act.	The sum requisite	Forty-five years from the date or dates of borrowing.
(*e*) The paying of any capital sums under the provisions of the section of this Act the marginal note of which is " Compensation to existing officers."	The sum requisite	Twenty years from the date or dates of borrowing.
(*f*) The payment of the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

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

(*b*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

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

Mode of raising money.

169. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures debenture stock or annuity certificates under and subject to the provisions

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of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Provisions of Public Health Acts as to mortgages to apply.

170. Subject to the provisions of section 51 (Power to use one form of mortgage) of the Act of 1925 as applied for the purposes of this Act the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Mode of payment off of money borrowed.

171. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Sinking fund.

172.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

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

(*b*) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve will be sufficient to pay off within

the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the accumulations of the sinking fund shall subject to the provisions of this Act unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

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

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

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

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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

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

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

Power to re-borrow.

173.—(1) The Corporation shall have power—

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

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

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

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

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

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

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

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

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

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Consolidated loans fund.

174.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March nineteen hundred and thirty-one the Corporation may (if they think fit) establish a fund to be called "the consolidated loans fund" to which shall be paid as and when they are received—

(*a*) all moneys borrowed by the Corporation whether by issue of bonds stock or other security 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 Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose;

(*c*) the appropriate sums provided in each year out of other funds of the Corporation 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

(*d*) a sum or sums equal to the aggregate amount of all dividends and interest payable in each year on bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

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

(*a*) in the redemption of stock or any other securities issued by the Corporation the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation;

(*b*) in the exercise of any statutory borrowing power by transfer of the required amount

to the appropriate fund and account of the Corporation; and

(*c*) in the payment of dividends and interest on the bonds stock mortgages or other securities issued in the exercise of any statutory borrowing power of the Corporation and remaining outstanding:

And the moneys of the consolidated loans fund not used or applied in these ways may 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 including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all bonds and stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of bonds stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation 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.

Use of moneys forming part of sinking and other funds.

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

(1) The moneys so used shall be repaid to the lending fund within the period by the methods

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and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable :

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

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

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

Protection of lender from inquiry.

176. A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provisions of any Act relating to the Corporation or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Application of money borrowed.

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

(except in the case of money borrowed for working capital) to which capital is properly applicable. A.D. 1930.

Evidence of transfer or transmission of securities.

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

Expenses of execution of Act.

179. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the general rate fund.

Application of revenue and payment of expenses of undertakings.

180.—(1) All money received by the Corporation (including the income arising from the investment of any reserve fund) on account of the revenue of any undertaking for the time being of the Corporation from which revenue is derived shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of any such undertaking shall be paid out of that fund.

(2) Nothing contained in this section shall be deemed to authorise the Corporation to apply or dispose of the surplus revenue of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

(3) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings referred to in subsection (1) of this section in the construction renewal extension and improvement of the works and conveniences for the

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purposes of such undertakings respectively but this subsection shall not apply to the revenue of the electricity undertaking.

(4) Sections LXXV (Application of revenue from gasworks and waterworks) LXXVI (Application of revenue from sewage works) and LXXVII (Application of revenue from markets fairs baths &c.) of the Act of 1854 section LXXX (Application of revenue) of the Act of 1861 and section 112 (Application of revenue) of the Act of 1872 are hereby repealed.

Gas charges.

181. The charges to be made by the Corporation for gas supplied by them shall after the first day of April nineteen hundred and thirty-one be not more than sufficient so far as can be estimated to enable the gas undertaking to be carried on without loss after providing for the several matters set out in the paragraphs lettered (*a*) (*b*) (*c*) (*d*) and (*e*) in the section of this Act of which the marginal note is "Accounts."

Accounts.

182.—(1) As from the first day of April nineteen hundred and thirty-one the Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation referred to in the section of this Act of which the marginal note is "Application of revenue and payment of expenses of undertakings" (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

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

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

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

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

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

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

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

Reserve funds of certain undertakings.

183.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of the gas undertaking and the transport undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same in statutory securities (with power to vary and transpose such investments) until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding in the case of either of the said undertakings a sum equal to one-tenth of the aggregate capital expended for the time being by the Corporation upon such undertaking.

(2) Any reserve fund which has been formed for the purposes of either of the said undertakings and which is in existence at the passing of this Act shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that

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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 formed under the foregoing provisions of this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(5) The income of any such reserve fund shall be treated as part of the revenue of the undertaking to which the same relates.

Appointed auditors.

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

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

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

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

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and

recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith. A.D. 1930.

Subscriptions to local government associations and other expenses.

185.—(1) The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882 —

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

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

(2) The Corporation may also subscribe to any charity philanthropic association or society or other associations institutions or societies rendering national or public service such sum or sums as they may from time to time think fit and may charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues Provided that the total amount subscribed by the Corporation under the provisions of this subsection shall not in any one year exceed the amount which would be produced by the levying of a general rate of one farthing in the pound.

Application of section 79 of Public Health Act 1925.

186. The provisions of section 79 of the Public Health Act 1925 shall apply in relation to any sums set apart as a sinking fund or a redemption fund for the purpose of paying off moneys borrowed by the Corporation in the exercise of any statutory borrowing power as if all such moneys had been borrowed by the Corporation in exercise of their powers under the Public Health Act 1875.

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PART X.

MISCELLANEOUS.

Style of Corporation.

187.—(1) From and after the passing of this Act the style and title of the municipal corporation of the borough shall be the mayor aldermen and burgesses of the county borough of Darlington.

(2) All charters public and general and local statutes orders confirmed or approved by Parliament byelaws regulations commissions fiats awards judgments and decrees and all bonds conveyances covenants deeds mortgages securities contracts agreements resolutions orders and notices legal and other proceedings and other instruments and documents relating to the Corporation by their original or any other name shall from and after the passing of this Act be read and have effect as if throughout the same respectively wherever the original or other name of the Corporation or a reference to the Corporation by their original or other name occurs the present name of the mayor aldermen and burgesses of the county borough of Darlington were substituted.

Gifts and bequests.

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

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

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

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

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

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

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

Dwelling-houses for persons in Corporation's employment.

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

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

As to Hundens Recreation Ground.

191. In addition to the powers conferred upon the Corporation by Part VI of the Public Health Acts Amendment Act 1907 and Part VI of the Public Health Act 1925 the Corporation may set apart any portion not exceeding at any one time one-half of the whole area thereof of the park in the borough known as Hundens Recreation Ground for the purpose of cricket football or any other games or recreation and for such purposes may let to any club company body or person the whole or any part of the portion of the said park so set apart and exclude the public therefrom during the subsistence of the period of letting and may upon the portion so set apart erect construct and maintain all proper and convenient pavilions dressing-rooms and other buildings works and conveniences.

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Recovery of rates from persons removing.

192. If a justice is satisfied on complaint by any rate collector that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate or water rent which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Amendment of section 43 of Act of 1925.

193. Section 43 (Lost property) of the Act of 1925 shall be read and have effect as if there were inserted at the end thereof the following proviso (namely):—

"Provided that the Corporation may—

(*a*) if such property be claimed by and restored to the owner thereof make and recover from such owner such reasonable charge in respect thereof as the Corporation shall think fit;

(*b*) if such property appears to the Corporation to be of a perishable nature forthwith sell the same and if the property be claimed by the owner thereof within six months shall pay to such owner the money received on such sale less such reasonable sum for expenses as the Corporation shall think fit:"

Provided that this section together with section 43 of the Act of 1925 shall in the event of the passing during this or next session of any general Act relating to road traffic and containing provisions conferring upon the Minister of Transport power to make regulations with regard to property left in vehicles so far as the omnibuses of the Corporation are vehicles to which such provisions apply cease to have effect on the coming into force of such regulations.

Service of notices &c.

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

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Service of summons on members of council.

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

Application of provisions of Act of 1925.

196. The following provisions of the Act of 1925 shall with any necessary alterations or modifications and subject to the provisions of this Act extend and apply for the purposes of this Act as if the same were re-enacted in this Act (namely):—

Section 55 (Appointment of receiver);

Section 62 (Damages and charges to be settled by justices);

Section 63 (Recovery of demands);

Section 64 (Recovery of penalties &c.);

Section 65 (Informations by whom to be laid);

Section 66 (Saving for indictments &c.);

Section 67 (Application of section 265 of Public Health Act 1875);

Section 68 (Judges &c. not disqualified);

Section 72 (Powers of Act cumulative):

Provided that for the purposes of such application the said section 55 of the Act of 1925 shall have effect as if the words "two thousand pounds" were inserted therein instead of the words "one thousand pounds."

Repeal of certain sections of local Acts.

197.—(1) The local Acts which are cited by reference to their short titles in the first column of the Second Schedule to this Act shall be repealed to the extent specified in the second column of the said Second Schedule as follows:—

The sections in Part I of the said schedule shall be and the same are hereby repealed as from the date of the passing of this Act;

The provisions in Part II of the said schedule shall be and the same are hereby repealed as from the expiration of three years from the date of the passing of this Act.

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(2) Notwithstanding anything contained in this Act the sections of the local Acts set out in Part II of the Second Schedule shall not apply to the added area.

(3) The provisions in Part III of the said schedule shall be and the same are hereby repealed as from the dates specified in the third column of the said Part III.

As to order of Local Government Board declaring certain parts of Act of 1907 to be in force in borough.

198. Article II (1) and Part I of the Second Schedule to the order of the Local Government Board dated the twelfth day of July nineteen hundred and ten declaring Parts II IV V VI and certain sections comprised in Parts III and X of the Act of 1907 to be in force in the borough are hereby repealed so far as they relate to sections 42 43 and 45 of the Act of 1872.

Expenses may be declared private improvement expenses.

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

In executing works for owner Corporation liable for negligence only.

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

Power to enter premises.

201. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875

shall extend and apply to the purposes of Part VII (Streets buildings sewers and drains) and Part VIII (Infectious disease and sanitary matters) of this Act as if those purposes had been mentioned in the said section 102. A.D. 1930.

Penalty on occupier refusing execution of Act.

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

General provisions as to byelaws.

203. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act other than byelaws under Part V (Electricity) thereof.

Breach of conditions of consent of Corporation.

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

Consents of Corporation to be in writing.

205. All consents given by the Corporation under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within

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the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Apportionment of expenses in case of joint owners.

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

As to appeals.

207. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part VI (Markets slaughter-houses &c.) Part VII (Streets buildings sewers and drains) or Part VIII (Infectious disease and sanitary matters) of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Several sums in one summons.

208. 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 borough any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Compensation how to be determined.

209. 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.

Repeal.

210. The following provisions of the Act of 1872 are hereby repealed :—

Section 115 (Power to re-borrow);

The forms "Mortgage of rates" and "Transfer of mortgage" in the Fifth Schedule to the Act and so much of section 134 (Forms in schedule authorised) as relates to those forms.

For protection of London and North Eastern Railway Company.

211. Notwithstanding anything in this Act contained the following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say) :—

(1) In the exercise of the powers of the section of this Act the marginal note of which is "Temporary stoppage of streets" the Corporation shall at all times during the execution of such powers maintain a reasonably sufficient access both for vehicular and pedestrian traffic to the stations and depots of the company :

(2) The Corporation shall not under the powers of this Act purchase or take any property of the company without their consent in writing :

(3) Nothing in the sections of this Act of which the marginal notes are "Further powers as to entry upon premises" and "Power to enter premises" shall extend or apply to any building or premises (not being a dwelling-house) belonging to and used by the company for the purposes of their undertaking and forming part of any station or goods depot or to the company in respect of any such building or premises :

(4) The Corporation shall not under the powers of the section of this Act whereof the marginal note is "Direction signs" put up any sign on any property of the company without their consent in writing :

(5) Nothing in Part VII (Streets buildings sewers and drains) of this Act except the sections whereof the marginal notes are—

Adjustment of boundaries of streets;

As to pavement lights;

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Crossings for horses or vehicles over footways;

Direction signs;

Dilapidated and neglected buildings;

Food storage accommodation;

Separate sewers for sewage and surface water;

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 the company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by the company with the authority of Parliament so long as any such building railway work or land is used or held by the company primarily for railway purposes.

Inquiries by Minister.

212.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

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

Crown rights.

213. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing

of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Act.

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

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PART I.—LOCAL ACTS.

Session and Chapter.	Short Title.
17 & 18 Vict. c. clxxxi	The Darlington Local Board Act 1854.
24 & 25 Vict. c. lxxvii	The Darlington Local Board Act 1861.
35 & 36 Vict. c. xxxiv	The Darlington Borough Sewage Irrigation Act 1872.
35 & 36 Vict. c. cxii -	The Darlington Extension and Improvement Act 1872.
15 & 16 Geo. 5. c. cxvi	The Darlington Corporation (Transport &c.) Act 1925.

PART II.—CONFIRMATION ACTS.

Session and Chapter.	Short Title.	Order thereby confirmed.
46 & 47 Vict. c. lxxxix	The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1883	The Darlington Order 1883.
48 & 49 Vict. c. lxii	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1885	The Darlington Order 1885.
53 & 54 Vict. c. clxxxix	The Electric Lighting Orders Confirmation (No. 4) Act 1890	The Darlington Electric Lighting Order 1890.
59 & 60 Vict. c. cx	The Local Government Board's Provisional Orders Confirmation (No. 18) Act 1896	The Darlington Order 1896.
61 & 62 Vict. c. xciii	The Electric Lighting Orders Confirmation (No. 10) Act 1898	The Darlington Electric Lighting Order 1898.
2 Edw. 7 c. lxxxiii	The Local Government Board's Provisional Orders Confirmation (No. 9) Act 1902	The Darlington Order 1902.

Session and Chapter.	Short Title.	Order thereby confirmed.
3 Edw. 7 c. lviii	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1903	The Darlington Order 1903.
6 Edw. 7 c. ci	The Local Government Board's Provisional Orders Confirmation (No. 2) Act 1906	The Darlington Order 1906.
2 & 3 Geo. 5 c. cxxix	The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1912	The Darlington Order 1912.
5 Geo. 5 c. ii	The Local Government Board's Provisional Orders Confirmation (No. 23) Act 1915	The Borough of Darlington Order 1914.
13 & 14 Geo. 5 c. iv	The Ministry of Health Provisional Orders Confirmation (No. 1) Act 1923	The Darlington Order 1923.
17 & 18 Geo. 5 c. v	The Darlington Corporation Trolley Vehicles (Additional Routes) Order Confirmation Act 1927	The Darlington Corporation Trolley Vehicles(Additional Routes) Order 1927.
18 & 19 Geo. 5 c. v	The Ministry of Health Provisional Orders Confirmation (No. 9) Act 1928	The Darlington Order 1928.
20 Geo. 5 c. v	The Darlington Corporation Trolley Vehicles (Additional Routes) Order Confirmation Act 1929	The Darlington Corporation Trolley Vehicles(Additional Routes) Order 1929.

PART III.—ORDERS.

The Darlington Light Railways Order 1902.
The Darlington Light Railways (Amendment) Order 1917.
The Darlington Gas Order 1926.
The Darlington Electricity (Extension) Special Order 1927.

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SECOND SCHEDULE.

PART I.

The Darlington Local Board Act 1854.	Sections xliv to xlvii xlix to lv lvii lix lxxxv lxxxviii xci to xciii and xcv.
The Darlington Local Board Act 1861.	Sections 53 55 to 58.
The Darlington Extension and Improvement Act 1872.	Sections 38 41 68 69 71 to 80 88 to 90 93 and 95.

PART II.

The Darlington Extension and Improvement Act 1872.	Sections 47 to 51 (except in so far as they relate to the purposes or are required for the enforcement of sections 42 43 and 45 of the same Act) 52 54 to 63 and 67.

PART III.

The Darlington Extension and Improvement Act 1872.	Section 45 (for that part of the borough to which the byelaws with respect to the construction of new streets referred to in the third column of this Part shall apply).	The date of the confirmation by the Minister of byelaws with respect to the construction of new streets.
The Darlington Extension and Improvement Act 1872.	Section 65 (for that part of the borough to which the byelaws with respect to the height of rooms referred to in the third column of this Part shall apply).	The date of the confirmation by the Minister of byelaws with respect to the height of rooms to be used for human habitation.

THIRD SCHEDULE.

THE ADDED PARTS OF ARCHDEACON NEWTON BLACKWELL HAUGHTON-LE-SKERNE AND WHESSOE.

(*a*) So much of the parish of Archdeacon Newton in the rural district of Darlington as is situate within the area comprised within a line commencing at the boundary of the existing borough on the south side of the London and North Eastern Railway (Darlington and Tebay Branch) at a point 165 yards west of the south western abutment of the bridge carrying Nickstream Lane over the same railway and proceeding thence in a northerly direction along an undefined straight line across the same railway and continuing in a northerly direction from the northern boundary of the same railway along the root of a hedge for a distance of 208 yards and thence in a north westerly direction along the root of a hedge for a distance of 58 yards thence in a northerly direction along the root of a hedge for a distance of 127 yards thence in a north easterly direction along the root of a hedge for a distance of 15 yards and thence in an easterly direction along the root of a hedge for a distance of 100 yards and thence in a north easterly direction along the root of a hedge for a distance of 13 yards and thence in an easterly direction along the root of a hedge for a distance of 110 yards and thence in a northerly direction along the root of a hedge for a distance of 143 yards and continuing thence from the end of the same hedge in a northerly direction along an undefined line for a distance of 110 yards to the root of a hedge at a point 123 yards west of the western boundary of the West Auckland Road and thence proceeding in an easterly direction along the root of the same hedge for a distance of 123 yards to and in a northerly direction along the root of a hedge forming the western boundary of the same road for a distance of 63 yards and thence in a north easterly direction along an undefined straight line across the same road and thence in an easterly direction along the root of a hedge for a distance of 57 yards to a beck known as the West Beck and thence in a northerly direction along the root of a hedge on the west side of the same beck for a distance of 117 yards and thence in an easterly direction across the same beck and along the root of a hedge for a distance of 156 yards and thence in the same direction along an undefined straight line for a distance of 42 yards to and in a southerly direction along the root of a hedge for a distance of 30 yards and thence in an easterly direction along the root of a hedge for a distance of 28 yards and thence in a southerly direction along the foot of a fence for a distance of 3 yards and thence in an easterly direction along the foot

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of a fence for a distance of 10 yards and thence in an easterly direction along an undefined straight line for a distance of 10 yards and thence in a northerly direction along the face of a wall for a distance of 7 yards and thence in an easterly direction along the face of a wall for a distance of 7 yards and thence in the same direction along the root of a hedge for a distance of 113 yards to the boundary of the existing borough and proceeding thence in a southerly and then westerly general direction along the same borough boundary to the point of commencement.

(*b*) So much of the parish of Blackwell in the rural district of Darlington as is situate within the area comprised within a line commencing at the existing boundary of the borough on the north east side of the London and North Eastern Railway (Darlington and Saltburn Branch Line) at the southern extremity of the enclosure numbered 99a on the $\frac{1}{2500}$ scale Ordnance map Durham sheet LV.10. 1915 edition where the same boundary crosses the north eastern boundary fence of the same railway and proceeding thence in a westerly direction along an undefined straight line for a distance of 290 yards across the same railway to the western boundary of the London and North Eastern Railway main line at a point 180 yards south of the south side of Geneva Road West measured along the same western boundary and proceeding thence in a southerly direction along the foot of a fence along the same western boundary for a distance of 103 yards and continuing thence in the same direction along the same western boundary of the same railway first along the root of a hedge for a distance of 127 yards then along the face of a wall for a distance of 20 yards and then along the root of a hedge for a distance of 100 yards and proceeding thence in a westerly direction along the root of a hedge for a distance of 238 yards and thence in a northerly direction along the root of a hedge for a distance of 53 yards and proceeding thence in a westerly direction along the root of a hedge for a distance of 363 yards and thence in a north westerly direction along the root of a hedge for a distance of 51 yards to and in a westerly direction along the south side of a bridge carrying Snipe Lane over the river Skerne for a distance of 15 yards and thence in a southerly direction along the west bank of the same river for a distance of 7 yards thence in a westerly direction along the foot of a fence for a distance of 73 yards and thence in a south westerly direction along the root of a hedge for a distance of 55 yards and thence in a westerly direction along an undefined line at a distance of 50 yards north of the root of a hedge forming the north boundary of the highway known as Snipe Lane for a distance of 818 yards to the eastern boundary of the Darlington Northallerton and Boroughbridge main road and across the same road to the root of a hedge at a point 27 yards to the north east of the southern extremity of enclosure numbered 71 on the $\frac{1}{2500}$ scale Ordnance map Durham sheet

LV.13. 1914 edition and proceeding thence in a north westerly direction along an undefined straight line for a distance of 32 yards to the root of a hedge forming the east boundary of a highway known as the Darlington and West Auckland main road at a point 38 yards to the north west of the same southern extremity of the same enclosure and across the same highway and thence in a westerly direction along an undefined line at a distance of 50 yards from the root of a hedge forming the northern boundary of the Darlington and Richmond main road for a distance of 50 yards and thence in a northerly direction along an undefined line at a distance of 50 yards from the root of a hedge forming the western boundary of the highway known as the Darlington and West Auckland main road for a distance of 408 yards and thence in an easterly direction along an undefined straight line for a distance of 3 yards and thence in a northerly direction along the face of a wall for a distance of 121 yards to the south boundary of Blackwell Lane and thence in a westerly direction along the face of a wall forming the south boundary of the same lane for a distance of 40 yards across the same lane in a northerly direction to and continuing in a northerly direction along the foot of a fence for a distance of 80 yards thence in an easterly direction along the foot of a fence for a distance of 3 yards and thence in a northerly direction along an undefined line at a distance of 50 yards from the root of a hedge forming the western boundary of the highway known as the Darlington and West Auckland main road for a distance of 507 yards to the boundary of the existing borough and in an easterly and then southerly direction along the same borough boundary to the point of commencement.

(*c*) So much of the parish of Haughton-le-Skerne in the rural district of Darlington as is situate within the area comprised within a line commencing at the boundary of the existing borough on the west side of the London and North Eastern Railway main line at a point 233 yards to the south of the south abutment of a bridge carrying the lane known as Glebe Road over the same railway proceeding thence in a south-easterly direction along an undefined straight line across the same railway to the east side of the same railway and continuing in the same direction along an undefined line at a distance of 50 yards from the root of a hedge forming the north east boundary of the lane known as Green Lane for a distance of 817 yards to and across the occupation road leading to Haughton Grange and thence in a southerly direction along the root of a hedge on the east side of the same road for a distance of 70 yards and thence in an easterly direction along the foot of a fence for a distance of 42 yards thence in a northerly direction along the face of a wall for a distance of 2 yards thence in an easterly direction along the face of a wall for a distance of 7 yards and thence in a southerly direction along the face of a wall for a distance of 2 yards and

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continuing thence in an easterly direction along the foot of a fence for a distance of 5 yards and thence in a north easterly direction along the foot of a fence for a distance of 200 yards and thence in a northerly direction along the root of a hedge for a distance of 100 yards and thence in an easterly direction along the root of a hedge for a distance of 533 yards and thence in a southerly direction along the foot of a fence for a distance of 33 yards and thence in an easterly direction along the foot of a fence for a distance of 130 yards and thence in a northerly direction along the foot of a fence for a distance of 71 yards to and in an easterly southerly and westerly direction along the present boundary of the parish of Haughton-le-Skerne to and in a northerly direction along the boundary of the existing borough to the point of commencement.

(*d*) So much of the parish of Whessoe in the rural district of Darlington as is situate within the area comprised within the line commencing at the present boundary of the borough at the north west corner of the enclosure numbered 102 on the $\frac{1}{2500}$ scale Ordnance map Durham sheet XLIX.13. 1915 edition and proceeding thence in an easterly direction along the root of a hedge for a distance of 330 yards to the western boundary of the London and North Eastern Railway (Bishop Auckland and Weardale Branch Line) and continuing in the same direction along an undefined straight line across the same railway and from the eastern boundary of the same railway still continuing in an easterly direction along the root of a hedge for a distance of 60 yards to and in an easterly direction across the highway known as Whessoe Lane and thence in a southerly direction along the foot of a fence along the eastern boundary of the same highway for a distance of 22 yards and thence in an easterly direction along the foot of a fence for a distance of 210 yards and thence in a south easterly direction along the foot of a fence for a distance of 65 yards to the boundary of the existing borough and thence in a south westerly and then north westerly general direction along the same existing boundary to the point of commencement.

FOURTH SCHEDULE.

WARDS FOR THE ELECTION OF COUNCILLORS OF THE BOROUGH OF DARLINGTON.

Harrowgate Hill.
North Road.
Eastbourne.
North East.
Cockerton.
Pierremont.
Central.
Northgate.
West.
South.

FIFTH SCHEDULE.

PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Area.	Numbers on Deposited Plan.
Borough of Darlington	5 6 (in respect of Work No. 2) 103.

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SIXTH SCHEDULE.

TOLLS FOR SLAUGHTER-HOUSES.

A. For slaughtering (including lairage for not exceeding 48 hours and use of abattoirs and hanging and cooling rooms for not exceeding an additional period of 48 hours) :—

	Per head. s.	d.
For every bull bullock cow ox steer or heifer - -	5	6
,, sheep or lamb - - - - - -	1	0
,, calf - - - - - - -	1	6
,, head of swine - - - - -	2	0
,, other animal slaughtered - - -	5	0

B. For lairage for any day or part of a day when not followed by slaughter or beyond the period of 48 hours :—

	Per head. s.	d.
For every bull bullock cow ox steer or heifer - -	1	0
,, sheep or lamb - - - - - -	0	2
,, calf - - - - - - -	0	4
,, head of swine - - - - -	0	4

C. For use of cooling chambers for any day or part of a day beyond the period of 48 hours :—

	s.	d.
For every hundredweight (cwt.) or part of a hundredweight - - - - - - - - -	0	6

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