CHAPTER xxiii.

An Act to authorise the mayor aldermen and burgesses of the borough of Derby to construct street works to acquire lands for the erection of a town hall and other purposes to make further provision with regard to their omnibus tramway water and markets undertakings and the health local government and improvement of the borough and for other purposes. A.D. 1929.

[26th July 1929.]

WHEREAS the borough of Derby (in this Act called "the borough") is a municipal and county borough under the management and local government of the mayor aldermen and burgesses of the borough acting by the council (in this Act called "the Corporation"):

And whereas the river Derwent flows through the borough and it is expedient to confer powers upon the Corporation for the prevention of flooding and to make further provision with regard to the river Derwent and any streams and watercourses within the borough:

And whereas it is expedient to empower the Corporation to construct the street works referred to in this Act and to acquire lands for and in connection with the construction of those works:

And whereas it is expedient to empower the Corporation to acquire lands in the borough for the construction

A.D. 1929. of a town hall and other buildings and for the other purposes referred to in this Act :

And whereas the Corporation are the owners of waterworks and are supplying water within the borough and certain districts in the neighbourhood thereof and it is expedient to increase certain of the rates and charges which the Corporation are authorised to demand and take under the provisions of the Derby Waterworks Act 1848 the Derby Improvement Act 1879 and the Derby Corporation Act 1913 or some of those rates and charges and to confer further powers upon the Corporation in relation to their water undertaking :

And whereas the Corporation are the owners of a markets undertaking and it is expedient to make further provision in regard to that undertaking as mentioned in this Act :

And whereas in pursuance of powers conferred upon them by various enactments the Corporation are working an extensive system of tramways in the borough and are also running omnibuses therein and it is expedient to make further provision with regard to the tramway and omnibus undertakings of the Corporation :

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

And whereas it is expedient to authorise the making of town planning schemes as respects land in the borough which is wholly or partly developed :

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

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

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

	£
(*a*) The purchase of lands - - -	378,500
(*b*) The execution of the street works authorised by Part IV of this Act -	30,300

A.D. 1929.

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

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

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

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

Part I.

Preliminary.

Short and collective titles.

1.—(1) This Act may be cited as the Derby Corporation Act 1929.

(2) The Derby Corporation Acts 1825 to 1927 and this Act may be jointly cited as the Derby Corporation Acts 1825 to 1929.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Prevention of flooding.
Part IV.—Municipal and other buildings and street improvements.
Part V.—Water supply.
Part VI.—Omnibuses and tramways.
Part VII.—Streets and sanitary matters.

A.D. 1929.

Part VIII.—Town planning.
Part IX.—Hackney carriages and street traffic.
Part X.—Financial provisions.
Part XI.—Miscellaneous.

Incorporation of Acts.

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

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

(*a*) "The Corporation" means the mayor aldermen and burgesses of the borough of Derby;

(*b*) "The borough" means the borough of Derby;

(*c*) "The council" means the council of the borough;

(*d*) "The town clerk" and "the medical officer" mean respectively the town clerk and the medical officer of health of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

(*e*) "The general rate fund" and "the general rate" mean respectively the general rate fund and general rate of the borough;

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

(*g*) "The Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

(*h*) "The Minister" means the Minister of Health;

(*i*) "The river" means the river Derwent;

(*j*) "Omnibus" means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source;

(*k*) "Hackney carriage" has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus;

(*l*) "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;

(*m*) "Telegraphic line" has the same meaning as in the Telegraph Act 1878;

(*n*) "The Act of 1848" "the Act of 1879" "the Act of 1890" "the Act of 1899" "the Act of 1901" "the Act of 1913" and "the Act of 1927" mean respectively the Derby Waterworks Act 1848 the Derby Improvement Act 1879 the Derby Corporation Act 1890 the Derby Corporation Tramways &c. Act 1899 the Derby Corporation Act 1901 the Derby Corporation Act 1913 and the Derby Corporation Act 1927.

A.D. 1929.

PART II.

LANDS.

Power to take lands.

5. Subject to the provisions of this Act the Corporation may—

(1) Enter on take and use such of the lands which are included within the limits of deviation shown on the deposited plans and are described in the deposited book of reference as they may require for and in connection with the construction of the street works authorised by the section of this Act of which the marginal note is "Power to execute street improvements" and for the provision of space for the erection of buildings adjoining or near to such street works:

(2) For the purposes hereinafter mentioned enter on take and use the lands in the borough which are hereinafter referred to (namely) :—

(*a*) for the purpose of enlarging and extending the highways depot of the Corporation the lands which are numbered 776 on the deposited plans and in the deposited book of reference;

(*b*) for the purposes mentioned in section 154 of the Public Health Act 1875 and for the provision of space for the erection of buildings adjoining or near to Curzon Street and Abbey Street the lands which are numbered 775 on those plans and in that book of reference;

(*c*) for the erection of a town hall and for other the purposes mentioned in the section of this Act of which the marginal note is "Erection of town hall &c." the lands which are numbered 168 to 272 (inclusive) on those plans and in that book of reference.

For protection of Harwood's Trustees and James

6. Notwithstanding anything contained in this Act the following provisions for the protection of the owners and the company shall unless otherwise agreed in writing between the Corporation and the owners or the company

(as the case may be) apply and have effect (that is to say) :—

(1) In this section unless the subject or context otherwise requires—

"Plan No. 1" and "Plan No. 2" mean respectively the plans marked Plan No. 1 and Plan No. 2 signed in duplicate by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which one copy has been deposited in the Parliament Office of the House of Lords and the other in the Committee and Private Bill Office of the House of Commons;

"The existing printing works" means the premises known as Harwood's Printing Works Derwent Street in the borough delineated and coloured pink and green on Plan No. 1;

"The owners" means the trustees for the time being of the will of James Harwood deceased or other the owner in fee simple for the time being of the existing printing works other than the Corporation;

"The company" means James Harwood Limited and their successors in title as lessees of the existing printing works;

"The substituted site" means the lands coloured blue on Plan No. 2:

(2) The Corporation shall not under the powers of this Act enter on take or use any part of the existing printing works unless and until they shall have conveyed or caused to be conveyed to the owners the substituted site and until the expiration of twelve months after the Corporation shall have cleared the substituted site so that it may be available for the erection of buildings of like character to the existing printing works :

(3) The Corporation shall convey to the owners or as they shall direct the fee simple in possession of the substituted site free from incumbrances and the owners and the company shall have on

A.D. 1929.

the substituted site and the buildings erected or to be erected thereon the same rights of the working and use of machinery and plant as they have now at the existing printing works :

(4) Forthwith after the substituted site shall have been conveyed and cleared as aforesaid the owners shall proceed with due diligence to erect and fit up thereon buildings of a like character to the existing printing works and in every respect as convenient for the purposes of the business of the company as the existing printing works in accordance with an elevation plans specifications and estimates to be reasonably approved by the Corporation :

(5) The Corporation shall pay to the owners—

(*a*) such sums as will recoup the owners for the expenses reasonably incurred by them in erecting and fitting up buildings in accordance with the provisions of subsection (4) of this section ;

(*b*) such compensation as shall be equivalent to the difference (if any) between the present value of the land comprising the site of the portion of the existing printing works coloured pink on Plan No. 1 and the present value of the substituted site cleared as aforesaid :

(6) The sums payable by the Corporation under subsection (5) (*a*) of this section shall be payable to the owners from time to time within twelve days after demand as the work proceeds upon the certificates (at not less than monthly intervals) from time to time issued by the architect employed by the owners for the purpose of superintending the erection and fitting up of the said buildings :

(7) The Corporation shall pay to the company—

(*a*) such expenses as the company may reasonably incur in moving and refixing in the buildings on the substituted site the machinery fixed plant and other appliances transferred from the existing printing works;

(*b*) such expenses as the company may reasonably incur in removing the moveable

plant stock or other effects of the company from the existing printing works to the said buildings;

(*c*) such sum as will make good to the company any damage caused to the company by disturbance loss of trade or otherwise in the exercise by the Corporation of the powers of this Act in relation to the acquisition by the Corporation of the existing printing works other than such as is provided for by the foregoing provisions of this subsection:

(8) Upon the foregoing conditions (on the part of the Corporation to be complied with) being fully complied with and the payments to be made by the Corporation to the owners and the company being made or secured to the satisfaction of the owners or the company (as the case may be) the fee simple in possession of so much of the existing printing works as is coloured pink on Plan No. 1 and the estate of the company in so much thereof as is coloured green on Plan No. 1 shall be vested in the Corporation:

(9) If from any cause the owners desire to erect on the substituted site more elaborate buildings or buildings having a greater cubical content than the existing printing works the owners shall be at liberty so to do but the increased cost occasioned thereby shall be ascertained and the amount thereof shall be borne by the owners:

(10) Nothing in this section contained shall take away prejudice or affect any rights of the trustees for the time being of the will of James Harwood deceased to the payment of purchase money or compensation under the provisions of this Act in respect of the lands numbered on the deposited plans 203 204 and 205 in the borough but the said trustees shall not be entitled to the payment of purchase money or compensation in respect of the buildings erected over the land comprising the site of the portion of the existing printing works coloured green on Plan No. 1:

A.D. 1929.

(11) The provisions of this section shall be taken in full satisfaction of all claims by the owners and the company in respect of the entering on taking and using of the existing printing works by the Corporation :

(12) Any question arising between the Corporation and the owners or the company under the provisions of this section or as to anything to be done or not to be done thereunder shall be referred to and determined by a single arbitrator to be appointed on the application of any party after notice in writing to the other or others by the President of the Surveyors' Institution and subject as aforesaid the Arbitration Act 1889 shall apply to such reference and determination.

Period for compulsory purchase of lands.

7. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the thirty-first day of October nineteen hundred and twenty-nine.

Benefits to be set off against compensation.

8. 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 any new street or of the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such new or existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Power to enter upon property for survey and valuation.

9. 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 twenty-four hours' and subsequently 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. A.D. 1929.

Power to reinstate owners of property.

10. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Act or which may be in the neighbourhood of any of the works authorised by this Act with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Extinction of private rights of way.

11.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Corporation if the Corporation shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Power to develop lands.

12.—(1) The Corporation may lay out and develop any lands acquired by them under the powers of this Act for the purposes of Part IV (Municipal and other buildings and street improvements) of this Act and not required for those purposes and (with the consent of the Minister) any other lands belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and other buildings and construct and maintain such approaches watercourses sewers drains rails sidings and other works and conveniences as may be convenient for and in connection with the development of such lands or the erection of any such buildings and may construct sewer pave flag channel and kerb streets roads and ways on any of such lands and may sell lease exchange or otherwise dispose of any such lands houses shops offices warehouses buildings works or conveniences upon and subject to such terms conditions and restrictions as they may think fit.

A.D. 1929.

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

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

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

(5) Nothing in this section shall be taken to dispense with the consent of the Board of Education to any sale lease appropriation 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.

(6) The powers conferred upon the Corporation by this section shall not be exercised by the Corporation in respect of the lands in the borough which are numbered 168 to 272 inclusive on the deposited plans.

Retention and disposal of lands.

13.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of to such person in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other

than the Housing Act 1925 or any enactment repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained :

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation 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.

(2) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

(3) The provisions of this section shall apply to and in respect of any sale or disposal of land effected by the Corporation prior to the passing of this Act as if such sale or disposal had taken place immediately after the passing of this Act.

(4) Section 136 (Power to retain sell &c. lands) of the Act of 1901 is hereby repealed.

A.D. 1929.

As to certain properties of W. H. Richardson.

14.—(1) In this section—

"the protected lands" means the lands in the borough which are numbered 658 to 668 (inclusive) on the deposited plans; and

"the owner" means William Henry Richardson and his successors in title as owners in fee simple of the protected lands.

(2) Notwithstanding anything contained in this Act or in any enactment incorporated therewith or shown upon the deposited plans the following provisions shall unless otherwise agreed in writing between the Corporation and the owner apply and have effect (that is to say):—

(*a*) The Corporation shall not under the powers of this Act enter upon take or use any part of the protected lands which lies to the westerly and south-westerly side of the line which passes through the protected lands on the deposited plans and is marked "New street" on those plans;

(*b*) The owner shall upon receiving a notice or notices to treat from the Corporation in that behalf sell to the Corporation the portions of the protected lands which lie to the easterly and north-easterly side of the said line or so much of those portions of the protected lands or any of them as may be specified in such notice or notices to treat and the price or consideration to be paid to the owner by the Corporation in respect thereof shall (subject to the provisions of this section) be determined in accordance with the provisions of this Act and the enactments incorporated therewith Provided that no claim shall be made by the owner for or in respect of disturbance of business loss of profits or additional expense in carrying on his business which may be incurred sustained or caused by or to him in consequence of the exercise by the Corporation of the powers of this Act and the Corporation shall not be liable to pay compensation to the owner for or in respect of any such disturbance loss or expense.

Part III.

Prevention of Flooding.

For prevention of flooding.

15.—(1) For the purpose of preventing floods in the borough or any part thereof the Corporation may within the borough—

(i) by agreement purchase and hold lands on and in the neighbourhood of the banks of the river or any stream or watercourse;

(ii) widen invert pitch straighten strengthen and improve with such materials as the Corporation think fit or cover in or otherwise improve all or any portions of the waterway bed or course and banks of the river or any such stream or watercourse;

(iii) cleanse scour and dredge the river or any such stream or watercourse; and

(iv) deposit any materials excavated or dredged under the provisions of this section on any lands adjacent to the river or any such stream or watercourse:

Provided that before executing any work under the provisions of this section the Corporation shall cause to be prepared and deposited at the office of the town clerk for inspection by or on behalf of any owner affected by such work a plan section and specification of the proposed work together with an estimate of the probable cost thereof and (if it is intended to exercise the powers of subsection (2) of this section) a provisional apportionment of such estimated cost and shall give notice in writing of such deposit to every owner proposed to be charged with any part of such cost and if any such owner shall within twenty-eight days of the receipt of any such notice deliver to the town clerk a statement in writing signed by such owner that he objects to the proposed work or to the apportionment of the cost thereof or desires that the sum or sums apportioned to be paid by him may be payable by instalments or that the work is such that the whole or part of the cost should be borne by the Corporation such objection shall be determined by a court of summary jurisdiction on the

A.D. 1929. application of either party and such court shall take such statement in writing into consideration and may quash in whole or in part or may amend such plan section specification estimate or provisional apportionment or any of them or may make such order in the matter as the court may deem just.

(2) (*a*) Any expenses incurred by the Corporation under the provisions of this section (including the expense of purchasing any lands for the purposes of any work thereunder) may (subject to the provisions of this section) be apportioned amongst and recovered by the Corporation from the owners of property within the borough benefited by the construction or carrying out of any work by the Corporation thereunder Provided that in the event of any such apportionment being so made and of any property of the Corporation being so benefited a due proportion of such expenses shall be apportioned to them and shall be borne and paid by them out of the general rate fund or out of money to be borrowed under the provisions of this Act.

(*b*) Any expenses incurred by the Corporation and authorised as above mentioned to be so apportioned and recovered may be apportioned and recovered by the Corporation from the owner or owners chargeable therewith in the same manner as nearly as may be as expenses incurred by an urban authority under the provisions of the Private Street Works Act 1892 are apportioned and recovered by such authority and as if the property benefited as aforesaid were premises fronting adjoining or abutting on the street or part of a street in respect of which expenses are incurred under those provisions and any question as to the manner in which such expenses should be apportioned and recovered and as to whether the Corporation have complied with the requirements of this subsection may be determined on the application of the Corporation or any such owner or owners (as the case may be) by a court of summary jurisdiction which court may issue such directions or make such order as they may consider proper in the circumstances.

(3) The Corporation may if they think fit at any time resolve to contribute the whole or a portion of any expenses incurred by them under the provisions of this section and in the event of their so resolving

or in the event of any of the expenses becoming payable by the Corporation under a decision of a court of summary jurisdiction under the proviso to subsection (1) of this section may pay the same out of the general rate fund or out of moneys to be borrowed by them under the provisions of this Act.

(4) For the purposes of this section the Corporation their officers and servants with or without carts or other vehicles may from time to time enter in the daytime upon any lands or premises adjoining the river or any such stream or watercourse as aforesaid.

(5) Section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply to cases where damage is sustained by the exercise of the powers of this section.

(6) The powers conferred upon the Corporation by this section shall not be exercised with regard to the waterway bed course or banks of or the lands adjacent to the channel of the river below the railway bridge belonging to the London Midland and Scottish Railway Company known as Five Arches except (in the case of such banks or lands) in so far as the same are situate within five yards of any tributary of the river.

For protection of London and North Eastern Railway Company.

16. For the protection of the London and North Eastern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Corporation and the company apply and have effect in relation to the exercise by the Corporation of the powers of the section of this Act of which the marginal note is "For prevention of flooding" (that is to say):—

(1) Whenever under the powers of the said section the Corporation shall require to construct or execute any works which may affect or interfere with any railway or works of the company they shall give to the company notice in writing of their intention to commence such works accompanied by plans sections and specifications of such works and such works shall be constructed or executed and thereafter maintained according to the plans sections and specifications as approved by the engineer

A.D. 1929.

of the company or settled by an arbitrator as hereinafter mentioned and under the superintendence (if given) and to the reasonable satisfaction of the said engineer Provided that if the said engineer fails within twenty-eight days after the receipt by the company of the said plans sections and specifications to signify his approval thereof he shall be deemed to have disapproved the same :

(2) The Corporation shall bear and on demand pay to the company the reasonable expense of any temporary works which may reasonably be necessary for the protection of their railway or works in connection with the execution construction or maintenance by the Corporation of any works :

(3) The Corporation shall pay to the company any additional cost reasonably incurred by them in widening altering or maintaining (under any powers of the company existing at the date of this Act) the company's railway at the places where works of the Corporation shall be under or adjacent to that railway which additional cost may be due to the existence of any works of the Corporation :

(4) The Corporation shall not under the said section enter upon any railway or works of the company nor deposit any materials excavated or dredged on any lands belonging to the company :

(5) Any difference which may arise between the Corporation and the company or their engineer with respect to any of the provisions of this section shall be determined (on the application of either party after notice in writing to the other) by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of London Midland and

17. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall

unless otherwise agreed in writing between the company and the Corporation apply and have effect in relation to the exercise of the powers of this Part of this Act (that is to say) :—

(1) The Corporation shall before they commence so much of any of the works which the Corporation may carry out under the powers of the section of this Act of which the marginal note is "For prevention of flooding" (which are hereinafter referred to as "the works") as shall or may pass under or adjoin or in any way affect the railways or works of the company submit to the principal engineer of the company (in this section called "the principal engineer") plans sections and specifications of the works proposed to be carried out by the Corporation for the reasonable approval of the principal engineer Provided that if within fourteen days from the submission of such plans sections and specifications the principal engineer does not signify to the Corporation his approval thereof and his requirements in regard thereto he shall be deemed to have disapproved thereof :

(2) The works shall be carried out only according to such plans sections and specifications as shall be approved by the principal engineer or determined by arbitration and shall be constructed under the superintendence (if given) and to the reasonable satisfaction of the principal engineer :

(3) Before the construction of any of the works under or adjoining the railway any temporary works which may be reasonably necessary to ensure the stability of the said railway may and shall be carried out by the company for the Corporation and the reasonable costs thereof and any expenses reasonably incurred in connection therewith shall be repaid by the Corporation to the company :

(4) If it shall be reasonably necessary at any time (either before or during the construction or within one year after the completion of the works or any part thereof and in consequence of such construction) that any further or other

A.D. 1929.

works or appliances be constructed or measures of precaution taken either by way of addition to the existing works of the company or in connection with the works or in relation to the method of construction of the works so as to prevent the subsidence of or injury to any of the railways or works of the company the Corporation shall on being thereunto reasonably required in writing under the hand of the principal engineer make and execute at their own expense and according to plans sections and specifications to be prepared by him and reasonably approved by the surveyor such works or take such measures of precaution including the temporary cessation of the construction of the works as the principal engineer shall reasonably require The construction of the works when commenced shall proceed with all reasonable dispatch :

(5) The Corporation shall give all reasonable facilities to the principal engineer and his assistants or inspectors for access to the works during or after construction and shall also furnish him or them with such information as he or they may reasonably require with regard to the works or the method of construction thereof :

(6) Notwithstanding the approval of plans sections and specifications or supervision by or completion to the satisfaction of the principal engineer as aforesaid and notwithstanding the compliance by the Corporation with the provisions of this section if during and in consequence of the execution of the works the said railway of the company or any of the works connected therewith shall be injured or damaged the company shall be entitled forthwith to make good such injury or damage and may recover the amount reasonably expended in so doing from the Corporation :

(7) The Corporation shall be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to their railways or works or to

A.D. 1929.

any person or persons using the same by reason of the execution of the works or of the failure of any part thereof or of any act or omission of the Corporation or of any of the persons in their employment or of their contractors and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such construction failure or omission :

(8) Any difference which shall arise between the Corporation and the company or their respective engineers under this section other than subsection (1) thereof shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Saving as to Salmon and Freshwater Fisheries Act 1923.

18. 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.

PART IV.

MUNICIPAL AND OTHER BUILDINGS AND STREET IMPROVEMENTS.

Erection of town hall &c.

19. The Corporation may—

(1) Upon all or any of the lands in the borough which are numbered 168 to 272 (inclusive) on the deposited plans when they shall have acquired the same erect a town hall council chamber municipal offices police-court police-station fire brigade accommodation and other buildings and premises for carrying on the business and the several undertakings of the Corporation and may fit up and furnish the same and provide all necessary approaches accesses works and conveniences in connection therewith :

A.D. 1929.

(2) Grant or let with or without charge the use of any part or parts of the said town hall buildings and premises on such terms and conditions as the Corporation think fit;

(3) Utilise any part of the said lands which is not required for the purposes of subsection (1) of this section as a market place or otherwise for the purposes of their markets undertaking or as a parking place for vehicles provided under the provisions of section 68 of the Public Health Act 1925 or for such other purposes as the Corporation may from time to time determine.

Power to erect shops &c. as part of municipal buildings.

20. The Corporation may erect as part of any town hall council chamber municipal offices police court police station fire brigade accommodation or other buildings or premises for carrying on the business or any undertaking of the Corporation belonging or which may hereafter belong to them shops offices and business or residential chambers and may apply for that purpose any moneys which they are authorised to borrow for the purpose of erecting any such buildings or premises.

Power to execute street improvements.

21.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street works hereinafter referred to together with all necessary or proper works and conveniences connected therewith or incidental thereto.

(2) The street works hereinbefore referred to and authorised by this Part of this Act will be wholly situate in the borough and are—

Street Work No. 6 A new street commencing on the easterly side of St. Peter's Street and terminating on the south-west side of the Morledge;

Street Work No. 7 A new street together with a widening and improvement of Traffic Street commencing at the junction of London Road with Traffic Street and terminating at the junction of Siddals Road and the Morledge;

Street Work No. 8 A widening and improvement of Burton Road on the south-east side thereof;

Street Work No. 9 A widening of Burton Road on the north-west side thereof;

Street Work No. 10 A widening and improvement of London Road and Osmaston Road at the junction of those two roads with St. Peter's Street.

Limits of deviation.

22. In the construction of the street works authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Power to make subsidiary works.

23.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with and for the purposes of this Part of this Act and as part of the street works to be executed under the powers of this Part of this Act 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 street works authorised by this Part of this Act or any of them and divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of such works or otherwise;

(*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; and

(*d*) Raise lower alter divert stop up or otherwise interfere with any tramway 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 traffic on any such tramway or the flow of sewage in any drain sewer or channel or

A.D. 1929.

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 divert stop up 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.

Application of road materials excavated in construction of works.

24. Any paving metalling or material excavated by the Corporation in the construction of any works authorised by this Part of this Act 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.

Stopping up of streets.

25.—(1) When the Corporation are the owners of the lands on each side of the street in the borough known as Burghley Street they may stop up such street and may appropriate and use the site thereof for the purposes mentioned in the section of this Act of which the marginal note is "Erection of town hall &c."

(2) As from the date upon which the said street is stopped up under the provisions of this section all rights of way over and along the same shall be extinguished.

(3) The Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

(4) Notwithstanding the stopping up of Burghley Street the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said street or any part thereof any telegraphic line of the Postmaster-General which is in under upon along over or across the same and the Corporation shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of the telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other place as the Postmaster-General may require.

PART V.

WATER SUPPLY.

A.D. 1929.

26.—

As to rates for supply for domestic purposes to certain premises.

(*a*) The following words (namely) :—

" Where the annual value of such house " shall not amount to ten pounds at a rate " per centum per annum not exceeding " seven pounds;

" Where the annual value of such dwell- " ing-house shall be ten pounds and " under twenty pounds at a rate per " centum per annum not exceeding six " pounds ten shillings "

which are contained in section 30 (Rates at which water is to be supplied for domestic purposes) of the Act of 1848; and

(*b*) so much of section 30 (Increased water charges) of the Act of 1913 as relates to or increases the rates referred to in those words;

are hereby repealed and the said section 30 of the Act of 1848 (as amended by the said section 30 of the Act of 1913 and this section) shall be read and have effect as if the following words were inserted therein in lieu of the above-mentioned words (namely) :—

" Where the annual value of such house shall not " amount to twenty pounds at a rate per " centum per annum not exceeding twelve " pounds."

For protection of Shardlow Rural District Council.

27. The rate per centum per annum at which the Corporation may be required to supply water for domestic purposes under the provisions of section 30 of the Act of 1848 as amended by section 30 of the Act of 1913 and by the section of this Act of which the marginal note is "As to rates for supply for domestic purposes to certain premises" to the owner or occupier of any house or part of a house in the rural district of Shardlow shall not unless otherwise agreed between the Corporation and the Shardlow Rural District Council at any time exceed by more than one-half per centum per annum the rate per centum per annum at which water is for the time being supplied by the Corporation for domestic purposes

A.D. 1929. to the owner or occupier of a house or part of a house in the borough of the same annual value as such first-mentioned house or part of a house.

Repeal of section 48 of Act of 1879 and section 24 of Act of 1890.

28. Section 48 (Provisions for sale of portions of undertaking to other sanitary authorities) of the Act of 1879 and section 24 (Provisions for sale of portions of undertaking to other sanitary authorities) of the Act of 1890 are hereby repealed.

Byelaws as to water fittings.

29.—(1) For preventing waste misuse undue consumption or contamination of the water of the Corporation the Corporation may make byelaws for the testing and stamping of fittings :

Provided that any such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared to afford a constant supply of water :

Provided further that such byelaws shall not apply to any pipes or fittings used on any premises which form part of the railway of a railway company.

(2) Any person who shall forge or counterfeit any stamp or mark used by the Corporation or by authority of the Corporation for any of the purposes of this section or any byelaw made in pursuance thereof or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

Part VI.

Omnibuses and Tramways.

Parcels and dogs.

30.—(1) The Corporation may if they think fit convey on their omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers but they shall not carry any other goods or animals on their omnibuses.

(2) The Corporation may demand and take—

(*a*) for parcels carried on their omnibuses charges not exceeding such maximum charges as they may from time to time determine; and

(*b*) for any dog a sum not exceeding the fare payable by the passenger.

Passengers' luggage.

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

Power to reserve cars for special purposes.

32.—(1) Notwithstanding anything contained in this or any other Act or Order to the contrary the Corporation may on any occasion run and reserve cars (on any of the tramways of the Corporation) and omnibuses (within the borough or within the area referred to in section 85 (Further powers as to omnibuses) of the Act of 1927) for any special purpose which the Corporation may consider necessary or desirable provided that such special cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as the Corporation may direct and that during the running of such special cars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of cars or omnibuses as the case may be.

(2) The Corporation may make byelaws and regulations for prohibiting the use of any such cars or omnibuses by any persons other than those for whose conveyance the same are reserved Provided that any such byelaws and regulations shall be made subject to and in accordance with the provisions of the Tramways Act 1870 with respect to the making of byelaws and regulations.

(3) The restrictions contained in this or any other Act or Order of the Corporation as to fares rates or charges for passengers shall not extend to any special cars run upon the tramways of the Corporation or omnibuses run for such special services as aforesaid and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

As to signs indicating stopping places.

33.—(1) The Corporation may erect or place in any street along which they run tramcars or omnibuses signs or directions indicating the position of stopping places for tramcars and omnibuses Provided that in the exercise of the powers of this subsection the Corporation shall not interfere with the surface of any street without the consent of the road authority but such

A.D. 1929.

consent shall not be unreasonably withheld and any question arising as to whether the same is unreasonably withheld shall be determined by the Minister of Transport.

(2) (*a*) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the tramways or omnibuses of the Corporation signs or directions indicating the position of stopping places for tramcars and omnibuses Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing to the owner thereof of their intention to attach thereto any such sign or direction and shall make compensation to the said owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(*b*) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(*c*) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing or to any pole post or standard belonging to a railway company except with the consent in writing of that company.

Restricting running of omnibuses in competition.

34.—(1) If and so long as the Corporation are providing a service of tramcars or omnibuses or a service of tramcars and omnibuses along any protected route and such service adequately meets the requirements of such protected route it shall not be lawful except as in this section provided for any company or for any other local authority body or person to run omnibuses along such protected route or along any other route in competition with such service or services of the Corporation.

(2) Any failure on the part of the Corporation to afford an adequate service along any protected route which is due to strikes or unforeseen accidents or circumstances beyond the control of the Corporation shall not entitle any such company authority body or person

to run omnibuses along such protected route or along any other route in competition therewith or deprive the Corporation of any benefit conferred upon them by this section.

(3) The Corporation as licensing authority for the borough may and shall in order to give effect to the foregoing provisions of this section when licensing an omnibus to ply for hire grant such licence subject to conditions as to the routes upon which such omnibus may or shall not ply for hire Provided that if any question arises between the Corporation and any company authority body or person as to whether any route in respect of which a licence may be applied for by or may be granted to any such company authority body or person is competitive such question shall on the application of either of the parties be determined as hereinafter in this section provided Provided further that the right of the applicant for the licence of appeal to the Minister of Transport from the decision of the Corporation under section 14 (3) of the Roads Act 1920 shall not be affected but the said Minister in making any order under that section shall have regard to the provisions of this section Provided also that omnibuses belonging to the same proprietor may be transferred by him from one route to another route along which he is for the time being licensed to run omnibuses so long as he does not at one and the same time allow a greater number of his omnibuses to ply for hire on any protected route or any route in competition therewith than the number of licences which he holds for such route.

(4) Any question at any time arising as to whether or not the Corporation are providing an adequate service along any protected route or whether there is or would be any such competition shall be determined by the Minister of Transport on the application of any interested party and the said Minister shall have power to make such order thereon as he thinks fit Any order made by the said Minister under this section shall be final and binding on the parties affected thereby and shall not be subject to appeal to any court and shall on the application of the said Minister or the Corporation or the applicant for a licence be enforceable by writ of mandamus.

(5) Nothing in this section shall be deemed—

(*a*) to restrict the running of any omnibus by any such company authority body or person

A.D. 1929.

along any protected route or a particular part of any protected route or any other route in competition therewith if no passenger conveyed by such omnibus is both taken up and set down on any one journey on any protected route or any route in competition therewith; or

(*b*) to prevent the renewal by a licensing authority of any licence to ply for hire with an omnibus along a protected route or a particular part of a protected route or a route in competition with a protected route if the licence was in force on the fifteenth day of November nineteen hundred and twenty-eight and was applicable to any service of omnibuses which service was on that date being operated on and has since that date been regularly in operation on the same route or part of a route as aforesaid or to prevent the grant of a licence to ply for hire with an omnibus substituted by the licensee for any such first-mentioned omnibus or to restrict the running of any such first-mentioned omnibus or substituted omnibus along any such route or part of a route as aforesaid; or

(*c*) to prevent the grant or renewal by a licensing authority of any licence to ply for hire with an omnibus on the condition that no passenger conveyed by the omnibus to which the licence relates shall be both taken up and set down on any one journey on any protected route or any route in competition therewith.

(6) Any company authority body or person who shall run any omnibus along any route in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds for each day upon which he runs any such omnibus.

(7) In this section the expression "protected route" means—

(*a*) any existing tramway route in the borough or any part of any such existing tramway route;

(*b*) the following streets or parts of streets in the borough (namely):—

Nottingham Road (from Derwent Street to Mansfield Road) Mansfield Road (from

Nottingham Road to Old Chester Road) St. James' Street Uttoxeter Old Road (from Friar Gate to Slack Lane) Slack Lane Cheviot Street (from Slack Lane to McKenzie Street) McKenzie Street (from Cheviot Street to Napier Street) Napier Street Morley Street Stanley Street Handford Street Campion Street (from Handford Street to Wild Street) Wild Street Abbey Street (from Curzon Street to Stockbrook Street) Stockbrook Street Amy Street (from Stockbrook Street to Upper Boundary Road) Upper Boundary Road (from Amy Street to Crosby Street) Crosby Street Bedford Street (from Crosby Street to Stockbrook Street) Charnwood Street Mill Hill Lane St. Chad's Road (from Mill Hill Lane to Stonehill Road) Stonehill Road (from St. Chad's Road to Burton Road) Whitaker Road (from Burton Road to Overdale Road) Overdale Road (from Whitaker Road to Porter Road) Porter Road (between Overdale Road and Chatsworth Street) Chatsworth Street (from Porter Road to Clarence Road) Clarence Road (from Chatsworth Street to Almond Street) Renals Street Avondale Road Lower Dale Road (from Church Street to Stonehill Road) Almond Street (from Lower Dale Road to Stenson Road) Stenson Road Warwick Avenue (from Stenson Road to Hathersage Avenue) Hathersage Avenue Littleover Lane (from Hathersage Avenue to Stenson Road) Crewe Street Pear Tree Road Richmond Road Cambridge Street (from Richmond Road to Sale Street) Sale Street Rose Hill Street (from Sale Street to Reginald Street) Reginald Street Bloomfield Street Portland Street (from Pear Tree Road to St. Thomas' Road) St. Thomas' Road (from Walbrook Road to Balaclava Road) Balaclava Road Sinfin Lane (from Balaclava Road to the entrance to the Municipal Golf Course) Osmaston Park Road (from Balaclava Road to Osmaston Road).

A.D. 1929.

Part VII.

Streets and Sanitary Matters.

Exchange of parts of streets disused.

35.—(1) The Corporation may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street or any other street in exchange for any part of any street which shall front other land belonging to such owner and shall be behind the general line of such street or which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

(2) Section 60 (Exchange of parts of streets disused) of the Act of 1913 is hereby repealed.

(3) Notwithstanding any agreement 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 part of a street exchanged for land 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 the alteration as though the Corporation or the owner of the land (as the case may be) were "undertakers" within the meaning of the said Act.

Amendment of section 61 of Act of 1913.

36. Section 61 (As to cleansing of gullies in private streets) of the Act of 1913 shall be read and have effect as if the words "or owners" were inserted in that section at the end thereof.

As to new streets.

37.—(1) Any person who lays out a new street or part of a new street in the borough shall if required by the Corporation so to do construct the carriageway and footway of such new street or part of a new street with a sufficient and solid foundation of suitable material to the approval of the Corporation Provided that the execution of any works under the provisions of this

section shall not relieve any person of any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892.

(2) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds.

(3) The provisions of this section shall not apply to any new street laid out by a railway company for the purpose of providing access to any station or depot of such company.

(4) Section 146 (No buildings allowed until street defined laid out and kerbed) of the Act of 1901 is hereby repealed.

Byelaws as to alteration of streets.

38. The Corporation may make byelaws to prevent streets which have been laid out or constructed in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so laid out or constructed they would have contravened the byelaws.

Expenses of conversion of privy and pail closets to be private improvement expenses.

39. The Corporation may by order declare any expenses incurred by them under section 163 (Conversion of privy and pail closets into waterclosets) of the Act of 1901 which are recoverable in a summary manner from any owner to be expenses to which the provisions of section 257 (Recovery of expenses by local authority from owners) of the Public Health Act 1875 shall apply and thereupon those provisions shall apply with any necessary modifications as if they were re-enacted herein and in terms made applicable to the said expenses.

Information to be furnished in case of infectious disease.

40.—(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

A.D. 1929.

Infectious Disease (Notification) Act 1889 and the expression "infectious disease" shall mean any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable and shall include pulmonary tuberculosis.

PART VIII.

TOWN PLANNING.

Power to make town planning schemes with reference to developed lands.

41. The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the borough notwithstanding that the land in that area or any part thereof is developed at the time of the making of such scheme and the provisions of the Town Planning Act 1925 (in this Part of this Act referred to as "the Act of 1925") shall subject to the provisions of this Part of this Act apply to the making of any such scheme and to any such scheme when made.

Explanation of section 5 of Act of 1925.

42. For the prevention of doubt be it enacted that paragraph (*d*) of subsection (2) of section 5 of the Act of 1925 (which relates to the suspension of statutory enactments) shall not apply to the provisions contained in this Part of this Act.

Purposes for which land may be purchased for town planning schemes under this Part of Act.

43. The purposes for which land may be purchased under a town planning scheme made pursuant to this Part of this Act shall include the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the Corporation that there would be difficulty in securing such development or re-development in the manner provided by those provisions by reason of the land concerned being used in a manner at variance therewith or being held in parcels or plots of inconvenient size shape or arrangement:

Provided that the Corporation shall not under a town planning scheme made in pursuance of this Part of this Act purchase otherwise than by agreement any land abutting on a new street or an existing street as proposed to be widened under such scheme for the purpose of securing the development or re-development of such land but nothing in this section shall prejudice or affect the operation of the Public Health Acts.

A.D. 1929.

As to properties of which parts only are required for town planning schemes.

44.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made under section 8 of the Act of 1925 authorising the Corporation to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory of which the Corporation have served upon him notice to treat in respect of a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the arbitrator to whom any question of disputed compensation is referred under any such order (in this section referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the said specified portion of the property 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 for which the Corporation have compulsory powers of purchase) can be so severed.

(2) If the arbitrator determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto such owner or other person as aforesaid may be required to sell and convey to the Corporation the portion so determined to be 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 or other person by severance or otherwise as shall be awarded by the arbitrator.

(3) If the arbitrator determines that the portion of the property specified in the notice to treat can notwithstanding the allegation of such owner or other person as aforesaid be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by such owner or other person incident to the determination of any matters under this subsection shall be borne and paid by such owner or other person.

A.D. 1929.

(4) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice.

(5) If the arbitrator determines that the portion of the property 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 such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

(6) The provisions of this section shall be stated in every notice given under any such order as aforesaid to sell and convey any premises.

Restriction on rights of purchase in certain cases.

45.—(1) The provisions of paragraph (2) of Part II of the Third Schedule to the Act of 1925 shall not apply in relation to any scheme made under this Part of this Act except in so far as they relate to any land which has been acquired by any company for the purpose of a railway dock or canal but the Corporation shall not be entitled to purchase compulsorily any land which is the property of any local authority or has been acquired by any company body or person for the purposes of a water or other public undertaking without the consent of such local authority company body or person but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister.

(2) The Corporation shall not under this Part of this Act be entitled to purchase compulsorily any land which at the date of the order authorising the com-

pulsory acquisition of the land forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house without the consent of the owner of such land but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be referred to and determined by the arbitrator to whom any question of disputed compensation would be referred under the said order.

Limitation on requirements under scheme.

46.—(1) No provisions in any such town planning scheme as aforesaid prescribing the space about buildings or limiting the number of buildings to be erected or prescribing the height or character of buildings within the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as—

(*a*) to require the demolition removal or alteration of any building existing at the date of the notice convening the meeting of the council at which the draft scheme is proposed to be adopted or of which the erection was commenced before that date; or

(*b*) to affect the user of any building for any purpose for which the same was used at the said date unless the person entitled to the user of the building shall after that date (i) commence to use such building for any purpose other than that purpose or (ii) voluntarily cease for a continuous period of six months or upwards to use such building for any purpose;

unless and until the scheme is brought into operation for that purpose by an order of the Corporation approved by the Minister and where an order is so made the provisions of subsection (2) of section 11 of the Act of 1925 shall not operate so as to preclude a claim for compensation under that Act on account of the demolition removal or alteration of the building or the affecting of the purposes for which the building may be used.

(2) An order under this section shall specify the period within which any building to which the same

A.D. 1929.

relates is to be demolished removed or altered or any purpose for which any such building is used is to be discontinued or changed.

(3) Before applying to the Minister for approval of an order under this section the Corporation shall serve a copy thereof on the owner or owners of all land or buildings to which the order relates and shall consider any representations which such owner or owners may make to them within such period (not being less than one month) as may be specified for that purpose in the order and may make such modifications in the order as they think necessary in consequence of any such representations.

(4) Upon the submission of the order (with or without modification) to the Minister the Corporation shall serve on the said owner or owners a copy of the order as so submitted together with a notice that objections may be made to the Minister within a period of one month from the date of service of the copy of the order and notice.

(5) For the purposes of this section the word "owner" has the same meaning as in the Lands Clauses Acts.

Modifications of section 10 of Act of 1925.

47. For the purposes of subsection (2) of section 10 of the Act of 1925 the date of the notice convening the meeting of the Council at which a draft town planning scheme under this Part of this Act is proposed to be adopted shall be substituted for the several dates referred to in that subsection.

Compulsory purchase and injurious affection of lands.

48. If the owner of any property which is acquired compulsorily for the purposes of or in connection with or is injuriously affected by a town planning scheme made under this Part of this Act is entitled to claim compensation in respect of such acquisition or injurious affection any mortgagee lessee under-lessee or occupier of such property shall be entitled to claim compensation in respect of such acquisition or in respect of any injurious affection to his interest in the property or in any trade or business carried on by him thereon under the provisions relating to the compulsory acquisition of land contained in the Act of 1925.

PART IX. A.D. 1929.

HACKNEY CARRIAGES AND STREET TRAFFIC.

Insurance by hackney carriage proprietors.

49.—(1) The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage or omnibus if the applicant fails to satisfy them that he effects and keeps on foot an insurance with a responsible insurance company against or makes adequate financial provision for meeting any liability that may be incurred by him in respect of any injury or damage occasioned by such hackney carriage or omnibus to any person or property but in the event of any licence to ply for hire with an omnibus being refused under this section the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 of the Roads Act 1920 and the provisions of that subsection shall apply accordingly Provided that in the case of an application to the Corporation by a railway company for the grant of a licence to ply for hire the provisions of this section shall not apply.

(2) If a policy of insurance required by this section at any time lapses or otherwise becomes invalid any licence granted in respect of any vehicle to which the policy relates shall thereupon become void.

(3) The provisions of this section shall cease to apply when provisions to the like effect contained in a general Act come into operation in the borough.

Regulations for controlling traffic.

50.—(1) The Corporation may from time to time make regulations prescribing—

(*a*) the streets which are not to be used for traffic by vehicles of any specified class or description either generally or during specified hours;

(*b*) the streets or parts of streets in which vehicular traffic shall pass in one specified direction only either generally or during specified hours;

(*c*) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers:

A.D. 1929.

Provided that—

(i) any regulation made under paragraph (*a*) of this subsection shall not apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises whilst so engaged nor outside the central area to any omnibus licensed by the Corporation to ply for hire;

(ii) any regulation made under paragraph (*b*) of this subsection shall apply only within the central area and in streets outside that area the carriageway of which is permanently divided longitudinally;

(iii) No regulation shall be made under paragraph (*b*) in respect of any street along which tramcars are for the time being operated in both directions;

(iv) any regulation made under paragraph (*c*) of this subsection shall apply only within the central area.

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister of Transport for his approval and shall give notice of the subject matters of the regulations by advertisement in a local newspaper circulating in the borough and in the London Gazette and in such other manner (if any) as the said Minister may direct The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the said Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(3) The Minister of Transport shall consider any regulations submitted to him by the Corporation and any representations thereon which may be duly made and may approve the regulations with or without modifications or may disapprove the same.

(4) Before approving any regulations the Minister of Transport may and if any representation is duly

made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the said Minister for the services of such person.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The regulations shall take effect as approved by the Minister of Transport and shall come into force on a date to be fixed by him.

(7) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper circulating in the borough and otherwise in such manner as may be prescribed by the Minister of Transport and shall also during the continuance of any regulation approved under paragraph (*b*) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the said Minister indicating the effect of the regulation and the street to which it relates.

(8) As respects any regulation made and approved under this section (subject to any modification or extension made by the Minister of Transport as hereinafter provided) any person who—

(*a*) shall contravene any regulation under paragraph (*a*) of subsection (1) of this section after warning given by word or signal by a police constable in uniform; or

(*b*) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (*b*) of subsection (1) of this section and a warning notice

A.D. 1929.

shall have been erected pursuant to subsection (7) of this section in contravention of such regulation; or

(*c*) shall contravene any regulation under paragraph (*c*) of subsection (1) of this section;

shall be liable to a penalty not exceeding forty shillings.

(9) The Minister of Transport on the application of any company body or person appearing to him to be sufficiently interested and alleging that any regulation made under this section is unsuitable for the traffic requirements of the borough may if satisfied as to the correctness of such allegation and after considering any representations made to him by the Corporation modify or extend the regulation to which the application relates.

(10) In this section—

(*a*) " the central area " means the portion of the borough comprised within a circle having a radius of one and a half miles from the town hall; and

(*b*) " specified " means specified in any regulations made and approved under this section.

Regulations as to stands or stopping places for omnibuses.

51.—(1) The Corporation may from time to time make regulations prescribing—

(*a*) as respects omnibuses in general or omnibuses of any particular class or used on any particular route or running according to a published time-table the stands which may be occupied exclusively by them and the places where they may stop for longer than is necessary for the purpose of picking up and setting down passengers; and

(*b*) the time during which any omnibus shall be allowed to remain at a prescribed stand or stopping place;

and any omnibus standing upon any such stand or stopping place in accordance with regulations made under this section shall be deemed to be within the exception in the ninth paragraph of section 28 of the Town Police Clauses Act 1847.

(2) Upon the coming into force of the regulations first made under this section the sixth paragraph of section 6 of the Town Police Clauses Act 1889 shall cease to extend to the borough and any byelaws made by the Corporation under that paragraph shall be repealed.

(3) When the Corporation propose to make regulations under this section they shall cause notice of their proposal and a statement of the effect of the proposed regulations to be published in at least one local newspaper circulating within the borough and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the borough.

(4) Every such notice shall indicate the time (which shall not be less than twenty-eight days) within which any objection to the regulations shall be sent in writing to the Corporation and shall contain a notification of the place at which copies of the proposed regulations may be obtained free of charge.

(5) The Corporation shall consider and determine any objection to the proposed regulations which is sent to them in writing within the time fixed in that behalf and shall send notice of their decision to the objector who if he is dissatisfied with their decision may within fourteen days after the receipt of the notice appeal to the Minister of Transport.

(6) A notification of the right of appeal under this section shall be included in any notice sent by the Corporation of their decision on an objection to the regulations and upon any appeal being made to the Minister of Transport notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the Corporation.

(7) The Minister of Transport shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

(8) Before making any order under this section the Minister of Transport may and if an appeal duly made is not withdrawn shall (unless the appeal appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the provisions in subsections (4) and (5) of the section of this Act the marginal note

A.D. 1929.

whereof is "Regulations for controlling traffic" as to expenses and notices of local inquiries shall extend to any local inquiry so directed by the said Minister.

(9) Where an objection has been made to regulations proposed by the Corporation under this section the regulations shall not be sealed by the Corporation until after the expiration of the time within which an appeal may be made by the objector to the Minister of Transport or if an appeal to the said Minister has been made by the objector until after the determination or withdrawal of the appeal.

(10) Any company body or person running omnibuses in the borough may at any time apply to the Minister of Transport to modify or extend any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the borough or has been unfairly enforced and upon any such application the said Minister after considering any representations made to him by the Corporation may modify or extend the regulation to which the application relates.

(11) The Corporation shall not make any regulation under this section prescribing any stand or stopping place for omnibuses in such a position as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

Evidence of regulations made by Corporation.

52. Section 24 of the Municipal Corporations Act 1882 which relates to the proof of byelaws shall extend to regulations made by the Corporation under this Part of this Act as if such regulations were byelaws within the meaning of that section.

Part X.

Financial Provisions.

Power to borrow.

53.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof

and they shall pay off all money so borrowed within the respective periods mentioned in the third column of the said table (namely) :— A.D. 1929.

1	2	3
Purpose.	Amount.	Period for repayment calculated except where otherwise stated from the date or dates of borrowing.
	£	
(*a*) The purchase of lands -	378,500	Sixty years.
(*b*) The execution of the street works authorised by Part IV of this Act.	30,300	Thirty years.
(*c*) The payment of costs charges and expenses of this Act.	The sum requisite.	Three years from the passing of this Act.

(2) The Corporation may also with the consent of the Minister borrow such further money as they may from time to time require for any of the other purposes of this Act Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister.

(3) The yearly sums required to be provided in respect of the principal moneys borrowed under the provisions of this Act shall be provided by the Corporation in the manner following (that is to say) :—

(*a*) As to money borrowed for the purposes mentioned in subsection (1) of this section out of the general rate fund and the general rate;

(*b*) As to money borrowed with the consent of the Minister out of such fund or revenue as the Minister may prescribe.

Use of moneys forming part of sinking and other funds.

54. 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 superannuation insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions :—

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

A.D. 1929.

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 rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :

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

As to section 234 of Public Health Act 1875.

55. In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 the amount which the Corporation may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Corporation under those Acts

Rate of accumulation of annual payments to sinking fund for repayment of loans.

56. Notwithstanding anything contained in the Acts Orders or regulations governing the same the rate of accumulation of the annual payments to every accumulating sinking fund which has been formed by the Corporation for any purpose shall be three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve.

Interest on mortgages held jointly.

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

PART XI.

MISCELLANEOUS.

For protection of trustees of Assembly Rooms.

58. Notwithstanding anything contained in this Act the following provisions for the protection of the trustees of the County Assembly Rooms Derby (in this section called "the trustees") shall unless otherwise agreed between the Corporation and the trustees apply and have effect (that is to say):—

(1) As soon as reasonably practicable after the service of notice to treat by the Corporation on the trustees in respect of the County Assembly Rooms Derby (in this section called "the assembly rooms") a valuation shall be made of the assembly rooms including the site thereof by John German of Ashby-de-la-Zouch or failing him by George German of Ashby-de-la-Zouch or failing him by a valuer to be appointed by agreement between the Corporation and the trustees and the amount of such valuation shall be deemed to be the amount of the compensation to be paid by the Corporation for the interest of the trustees in the assembly rooms and the said site:

(2) The Corporation shall re-erect the existing façade or western front of the assembly rooms in one of the principal frontages of one of the

A.D. 1929.

principal buildings which the Corporation are authorised to erect by the section of this Act of which the marginal note is "Erection of town hall &c.":

(3) As part of the said buildings the Corporation shall provide a room having a superficial area of not less than that of the existing ballroom of the assembly rooms with conveniences at least equivalent to those of the assembly rooms and such room shall be suitable for use as an assembly room or ballroom and shall be available for such use on reasonable occasions together with the said conveniences.

As to orders under Shop Hours Act 1904 and Shops Acts 1912 to 1928.

59.—(1) Section 21 (Orders under Shop Hours Act 1904 or Shops Acts 1912 to 1920) of the Act of 1927 shall be repealed as from the thirty-first day of December nineteen hundred and twenty-nine.

(2) Any order made under the Shop Hours Act 1904 or under the Shops Act 1912 or any subsequent Act providing for the closing of shops and in force on the thirty-first day of December nineteen hundred and twenty-nine in the borough as constituted immediately before the first day of April nineteen hundred and twenty-eight shall subject to the provisions of such Acts extend and apply throughout the borough.

(3) On or before the thirtieth day of November nineteen hundred and twenty-nine the Corporation shall deposit for inspection in the town hall copies of all such orders as are referred to in subsection (2) of this section and the same shall be available for inspection by any person without payment throughout the month of December nineteen hundred and twenty-nine and on or before the same date the Corporation shall send by post to the occupier of any shop in any area which was added to the borough by the Act of 1927 a copy of any such order as relates to such occupier and the shop occupied by him.

(4) The Corporation shall publish notice of the foregoing provisions of this section in two successive weeks in the month of November nineteen hundred and twenty-nine in each of two newspapers published or circulating in the borough.

Power to grant gratuities in certain cases.

60.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1925 or the Teachers (Superannuation) Acts 1918 to 1925 or any other Act for the time being in force relating to the superannuation of teachers grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

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

(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who is not entitled to a gratuity under the Teachers (Superannuation) Acts 1918 to 1925 or any Act amending the same and who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not so provided).

(4) The provisions of this section shall not apply in respect of any officer or servant who first entered the employment of the Corporation (either as an officer or servant) after the first day of October nineteen hundred and twenty-eight or in respect of the widow or family of any such officer or servant.

Amendment of section 55 of Derby Corporation Act 1877.

61. Section 55 (Saving for pedlars) of the Derby Corporation Act 1877 as amended by section 50 of the Act of 1913 shall be read and have effect as if the following proviso were inserted at the end of the said section 55 :—

Provided that the provisions of this section shall not entitle any licensed or certified hawker or pedlar to take possession of or to use otherwise than on the terms which are applicable to any

A.D. 1929.

other person and otherwise than subject to any byelaws of the Corporation for the time being in force any cattle or other market or market hall or market place or fair of the Corporation or any shop stall pen bench standing-station or place therein respectively.

As to parks &c. outside borough.

62. Any park recreation ground or pleasure ground which has been or shall be provided by the Corporation outside the borough shall be deemed to be within the borough for the purposes of any statutory provision as to parks recreation grounds or pleasure grounds which would have applied or been applicable thereto if the same had been situate within the borough Provided that nothing in this section shall affect or interfere with the area of jurisdiction of any justices or any court of competent jurisdiction.

As to application of section 200 of Public Health Act 1875.

63. In its application to the Corporation section 200 (Power of urban authority to appoint committees) of the Public Health Act 1875 shall be read and have effect as if the words "or any general or local Act for the time being in force in the borough" were therein inserted after the words "for any purposes of this Act" Provided that this section shall not apply in respect of any committee which the Corporation are required by any general Act to appoint.

Service of summons on members of council.

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

Incorporation of sections from existing Acts.

65. The following sections of the Act of 1899 the Act of 1901 the Act of 1913 and the Act of 1927 shall with any necessary modifications and subject to the provisions of this Act extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (that is to say) :—

The Act of 1899—

Section 35 (Certain regulations of Public Health Act as to borrowing not to apply);

Section 36 (Protection of lender from inquiry);

Section 37 (Appointment of receiver);

Section 38 (Application of money borrowed);
Section 56 (Expenses of execution of Act);
Section 57 (Application of revenue);
Section 64 (Audit of accounts).

The Act of 1901—

Section 122 (Power to alter steps areas pipes &c.);
Section 124 (Temporary stoppage of streets);
Section 125 (Lands laid into streets to be public highways);
Section 129 (Persons empowered by Lands Clauses Acts to sell lands may grant easements &c.);
Section 133 (Purchase of easements);
Section 134 (Correction of errors in deposited plans and books of reference &c.);
Section 137 (Proceeds of sale of surplus lands);
Section 203 (Compensation how to be determined);
Section 204 (As to appeal);
Section 205 (Recovery of penalties);
Section 207 (Damages and charges to be settled by justices);
Section 208 (Judges not disqualified).

The Act of 1913—

Section 29 (Persons under disability may grant easements &c.);
Section 105 (Confirmation of byelaws);
Section 109 (Apportionment of expenses in case of joint owners);
Section 111 (Recovery of demands);
Section 112 (Informations by whom to be laid);

A.D. 1929.

Section 114 (Application of section 265 of Public Health Act 1875);
Section 115 (Saving for indictments &c.);
Section 116 (Crown rights);
Section 117 (Powers of Act cumulative).

The Act of 1927—

Section 65 (Acquisition of easements);
Section 68 (Compensation in case of recently acquired interest);
Section 93 (Inquiries by Minister of Health);
Section 94 (Inquiries by Minister of Transport):

Provided that—

(*a*) Section 204 of the Act of 1901 shall only apply in relation to the provisions of the section of this Act of which the marginal note is "For prevention of flooding" and of Part VII (Streets and sanitary matters) of this Act;

(*b*) In the application of section 68 of the Act of 1927 the twentieth day of November nineteen hundred and twenty-eight shall be deemed to be referred to instead of the eighteenth day of November nineteen hundred and twenty-six.

Power to enter premises.

66. 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 and sanitary matters) of this Act as if those purposes had been mentioned in the said section 102.

Several sums in one summons.

67. 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.

A.D. 1929.

68. The following enactments are hereby repealed :— Repeal.

(*a*) Section 206 (Penalties to be paid over to treasurer) of the Act of 1901;

(*b*) Part XII (Superannuation and provident fund) of the Act of 1913;

(*c*) Section 113 (Penalties to be paid over to treasurer) of the Act of 1913.

69. 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 the general rate or out of money to be borrowed under this Act for that purpose. Costs of Act.

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