CHAPTER xciii.

An Act to empower the Ellesmere Port and Whitby Urban District Council to purchase certain gasworks of the Shropshire Union Railways and Canal Company and to confer further powers upon the Council with regard to the supply of gas and electricity and for the improvement of the district. [31st July 1914.] A.D. 1914.

WHEREAS the urban district of Ellesmere Port and Whitby in the county of Chester is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Ellesmere Port and Whitby which district and Council are in this Act respectively referred to as "the district" and "the Council":

And whereas the Shropshire Union Railways and Canal Company (in this Act referred to as "the Shropshire Union Company") have in connection with their railway and works at Ellesmere Port constructed gasworks and are supplying gas throughout a portion of the district:

And whereas by an agreement made on the twelfth day of March one thousand nine hundred and fourteen the Council have subject to the sanction of Parliament agreed to buy and the Shropshire Union Company have agreed to sell and transfer to the Council the gas undertaking of the Shropshire Union Company upon the terms and subject as in the said agreement mentioned:

And whereas it is expedient that the Council should be authorised to supply gas within the district and certain parishes adjacent thereto and in connection therewith should be empowered

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to acquire the gas mains pipes and certain other property of the Shropshire Union Company:

And whereas the railway company desire to retain the site of their existing gasworks for other purposes and it is expedient that the Council should be empowered to acquire lands for and to erect gasworks:

And whereas by the Ellesmere Port and Whitby Electric Lighting Order 1913 confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1913 the Council were authorised to supply electricity for all purposes within the district:

And whereas the trade and population of the district is rapidly increasing and it is expedient that further powers be conferred upon the Council with regard to the supply of gas and electricity and also in relation to the local government development and improvement of the district:

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

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

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

The Infectious Disease (Prevention) Act 1890;

The Private Street Works Act 1892;

The Public Libraries Act 1892;

The Public Health Acts Amendment Act 1890 (Parts II. III. IV. and V.);

The Baths and Washhouses Acts:

And whereas by an order of the Local Government Board dated the fifth day of July one thousand nine hundred and nine Parts II. III. IV. and VI. of the Public Health Acts Amendment Act 1907 were declared to be in force within the district subject to certain conditions and adaptations specified in the said order:

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

	£
For the purchase of lands and easements -	1,325
For the erection of gasworks - - -	16,350
For new gas mains and the extension of gas mains - - - - - -	1,500
For new services meters stoves and fittings	6,500

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof 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 the approval of the Local Government Board has been obtained:

And whereas plans of the lands and other property intended to be taken or used compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and property required or which may be taken or used for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Chester and are in this Act referred to as the deposited plans and book of reference:

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

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Ellesmere Port and Whitby Urban District Council Act 1914.

Incorporation of Acts.

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

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers) Provided that section 13 thereof shall be read as if the words "or any premises" were inserted after the words "private building":

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The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof):

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

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned in the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The district" means the urban district of Ellesmere Port and Whitby;

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

"Gas fittings" includes any meter engine oven stove range pipe or burner or any other apparatus appliance article or thing used or intended or adapted to be used in or in connection with the supply or consumption of gas for the purposes of lighting motive power heating and cooking or for any other purpose for which gas can or may be used;

"The gas limits" means the limits within which the Council are by this Act authorised to supply gas;

"The clerk" "the surveyor" "the medical officer" "the inspector of nuisances" and "the treasurer" mean respectively the clerk the surveyor the medical officer of health the inspector of nuisances and the treasurer appointed by the Council in pursuance of the powers of any public Act and "medical officer" includes any person duly authorised to act temporarily as medical officer of health;

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

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

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

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

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

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

Words and expressions to which meanings are assigned by the Public Health Acts have the same respective meanings.

Part II.

Purchase of Gasworks.

Confirmation of scheduled agreement.

4. The agreement dated the twelfth day of March one thousand nine hundred and fourteen and made between the Council and the Shropshire Union Company as set forth in the First Schedule to this Act is hereby confirmed and made binding on the Council and the Shropshire Union Company and may and shall be carried into effect accordingly.

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Transfer of gas undertaking of Shropshire Union Company to Council.

5. Upon payment of the purchase money and completion of the sale in accordance with the agreement aforesaid the gas undertaking of the Shropshire Union Company shall as by the said agreement provided be transferred to and vested in the Council.

Proof of transfer and vesting.

6. The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by two directors of the Shropshire Union Company shall (unless it be proved that the purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer.

Receipt for purchase money.

7. The receipt in writing of two directors of the Shropshire Union Company for the purchase price of the gasworks of the Shropshire Union Company by the Council in pursuance of this Act shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being answerable or accountable for the loss misapplication or non-application thereof.

Contracts to be binding upon Council.

8. Subject to the provisions of this Act all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting in respect of the gas supply afforded by the Shropshire Union Company on the transfer of the gàsworks to the Council and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Council and may be enforced as fully and effectually as if instead of the Shropshire Union Company the Council had been a party thereto.

PART III.

GAS LANDS AND WORKS.

Power to acquire lands compulsorily.

9. The Council may for the purposes of their gas undertaking enter upon take hold and use the lands delineated upon the deposited plans and described in the deposited book of reference and in the Second Schedule to this Act together with the right or easement of laying a tram line or railway siding across the road called Cromwell Road in the district so as to obtain access to the railway sidings in connection with the Wolverhampton Corrugated Iron Works.

Powers as to construction

10. Subject to the provisions of this Act the Council may upon the lands described in the Second Schedule to this Act

erect maintain alter improve extend and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of this Act and may on the said lands convert and manufacture residual products resulting from the manufacture of gas. A.D. 1914. and maintenance of gasworks.

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

12. The Council may for the purposes of their gas undertaking purchase and take (by agreement but not otherwise) and may hold in addition to any other lands which the Council are by this Act authorised to acquire and hold any lands and hereditaments not exceeding in the whole five acres which the Council may require for such purposes but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to this Act. Purchase of additional lands by agreement.

13. The Council may purchase or take on lease houses cottages and other buildings for persons in their employ in connection with their gas undertaking and offices and other buildings for the purposes of their gas undertaking and may erect fit up maintain and let any such buildings upon any lands for the time being belonging or leased to the Council for the purposes of that undertaking. Dwelling-houses for employees offices &c.

Part IV.

Supply of Gas.

14. The Council may supply gas for all public and private purposes within the district (other than the parish of Overpool) and the parishes of Chorlton Croughton Little Stanney and Stoke all in the county of Chester. Gas limits.

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Limit of price.

15. The price to be charged by the Council for gas supplied by them to persons who shall burn the same by ordinary meter shall not at any time exceed the sum of four shillings and sixpence per thousand cubic feet.

Supply of gas where consumer has separate supply.

16. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Council a supply of gas for any premises for which he has at the same time a supply of gas from any installation other than that of the Council or a supply of electricity unless he shall have agreed to pay to the Council such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Charge for gas supplied by means of prepayment meters.

17.—(1) The Council may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the gas limits through any other kind of meter or by any other method of supply.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

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

(5) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity

of gas supplied is regulated according to the amount of money prepaid therefor.

Testing place.

18. The Council shall provide a testing place on some part of their gasworks before supplying or within three months after beginning to supply gas from such gasworks under the authority of this Act.

Pressure.

19.—(1) All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Council shall afford to the examiner all reasonable facilities for making the test.

Council to provide apparatus for testing calorific value.

20. Within six months from the passing of this Act the Council shall provide at the prescribed testing place apparatus for testing the calorific value of the gas supplied by them at such testing place similar to the apparatus for the time being prescribed by the metropolitan gas referees for testing the calorific value of the gas supplied by the companies referred to in the London Gas Act 1905 or such other apparatus as may be approved by the Board of Trade.

Testing for calorific value.

21.—(A) The standard calorific power of the gas supplied by the Council in their area of supply shall be five hundred and forty British thermal units Provided that the Council shall not be liable to any penalty or proceedings for or in respect of any deficiency in the calorific power of the gas supplied by them except under and in accordance with the express provisions of this Act.

(B) One testing only for calorific power shall be made at the testing place but in the event of the calorific power being on any testing ascertained to be below the standard calorific power to an extent exceeding seven and one-half per centum the gas examiner shall forthwith give notice thereof to the Council and a second testing shall be made at an interval of not less than one hour from the time of making the first

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testing at the testing-place and the average of the two testings shall be deemed to be the calorific power of the gas on that day.

As to apparatus for and mode of testing calorific power.

22. The apparatus for testing the calorific power of the gas supplied by the Council shall be similar to the apparatus for the time being prescribed by the Metropolitan gas referees for testing the calorific power of the gas supplied by the companies referred to in the London Gas Act 1905 and such apparatus shall be that which is the most suitable for ascertaining and in making the test shall be used in such a manner and under such conditions as to ascertain after any necessary calculations have been made the total heat value of the gas.

Provisions as to testing.

23. The Council shall not be liable to any penalty for defective calorific power where the calorific power on any day of the gas supplied by them is not below the standard calorific power to an extent exceeding seven and one-half per centum but where the calorific power on any day of such gas is below the standard calorific power to an extent exceeding seven and one-half per centum the Council shall be liable to the following penalties in respect of any deficiency beyond such last-mentioned margin (that is to say):—

Where the deficiency does not exceed fourteen British thermal units a sum not exceeding two pounds:

Where the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding five pounds:

For each complete twenty-eight British thermal units of defective power a sum not exceeding ten pounds.

Saving as to penalties.

24. No penalty shall be incurred by the Council for insufficiency of pressure defect of calorific value or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Council.

Saving for general Acts.

25. Nothing in this Act shall exempt the Council or their gas undertaking from the provisions of any general Act relating to the supply of gas which may be passed in this or any future session of Parliament.

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Power to lay pipes for purposes ancillary to gas business.

26. The Council may lay down place repair alter remove and renew mains pipes culverts and other apparatus within the gas limits for the purpose of procuring conducting or disposing of any oil or other material used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to lay pipes in streets not dedicated to public use.

27. The Council may on the application of the owner or occupier of any premises within the gas limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were not incorporated with this Act.

As to construction and placing of pipes &c. between mains and meters.

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

(1) The Council may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Council's mains and the meter so far as such pipes and fittings are intended to be covered over:

(2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published twice in some newspaper (or once in each of two newspapers) circulating within the gas limits and a copy thereof shall be kept exhibited in the office of the Council:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the

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Council's main but within the outside wall of the building :

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Council and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with :

(6) Any person to whom the Council refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Council to pay interest on money deposited as security for gas meter.

29. If any person is required by the Council to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Council shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to supply gas fittings.

30.—(1) The Council may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or

rents and charges and make such terms and conditions as may be agreed upon. A.D. 1914.

(2) The Council shall not themselves lay any pipes on the consumer's premises except between the main of the Council and the consumer's meter but they may enter into contracts for the execution of any of the powers of this section including the laying of pipes on the consumer's premises provided that the contractor acts independently of the Council in the execution of the contract The Council shall not sell any such gas fittings as aforesaid except through a contractor carrying on his business independently of the Council.

(3) Provided as follows :—

(A) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed) :

(B) Every sum charged by the Council in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Council to the consumer :

(C) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the gas undertaking of the Council for that year.

Fittings not to be subject to distress and though fixed to premises to remain property of Council.

31.—(1) Any fittings let by the Council on hire under the provisions of this Act shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be.

(2) All fittings let by the Council on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under

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any such premises at all times continue to be the property of and removable by the Council.

(3) The Council shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

Gas consumers to give notice to Council before removing.

32. At least twenty-four hours' notice shall be given to the Council by every gas consumer either personally at the office of the Council or in writing before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Council.

Power to refuse supply to persons in debt for other premises.

33. If a person requiring a supply of gas from the Council has previously quitted premises at which gas was supplied to him by the Council without paying to them all gas charges and meter rent due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Notice to discontinue supply of gas.

34. A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council or be given by the consumer personally at the office of the Council.

Power to enter premises and remove fittings.

35. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Council by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Council shall not require to take a supply of gas from the Council or to hire from the Council all or any of the pipes meters fittings or apparatus belonging to the Council and let by them on hire to any former occupier of such premises.

Power to require use of anti-fluctuators for gas engines.

36.—(1) Every consumer of gas supplied by the Council who uses a gas engine shall if required to do so by the Council use an effective anti-fluctuator together with an effective non-return valve and shall at all times at his own expense keep such anti-fluctuator and valve in proper order and if any consumer shall make default in complying with the provisions of this section the Council may cease to supply him with gas.

(2) The Council shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator and valve at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Council if the anti-fluctuator and valve be found in proper order but otherwise at the expense of such consumer.

Supply to users of gas suction plant.

37. No penalty shall be incurred by the Council for neglect or refusal to give a supply of gas in accordance with the provisions of this Act to any company body or person who uses or is in the habit of using machinery or apparatus for making and utilising suction gas if and so long as the giving of a supply to such company body or person would interfere with the supply of gas by the Council for public and private lighting and to consumers not using such machinery or apparatus as aforesaid Provided that in the event of any difference or dispute arising as to whether any such supply of gas would be so interfered with as aforesaid such difference or dispute shall be referred to arbitration in manner provided by the Arbitration Act 1889.

Period of error in defective meters.

38. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Council.

Council may contract with local authority for supply in bulk.

39. The Council may contract with any local authority company or person authorised to supply gas under parliamentary powers in any district adjacent to the gas limits for the supply to them respectively of gas in bulk upon such terms and

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conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Council to lay any mains or interfere with any street beyond the gas limits.

Power to take a supply of gas in bulk.

40. Subject to the provisions of this Act the Council may enter into and carry into effect agreements with any local authority company or person within or beyond the gas limits for the purchase by the Council of gas in bulk for the purposes of this Act but nothing in this section shall authorise the Council to lay any mains or interfere with any street outside the gas limits.

Power to hold licences under letters patent.

41. The Council may take hold and use patent rights and licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture of gas or of the residual products hereinbefore mentioned.

For protection of Cheshire County Council.

42. The following provisions for the protection of the county council of the administrative county of Chester (in this section referred to as "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed between the Council and the county council apply and have effect with respect to the exercise of any powers of the Council under this Act in or affecting any main road or any county or main road bridge or approach thereto vested in the county council or to the maintenance of which the county council for the time being contribute (that is to say):—

(1) All mains pipes and works to be laid or executed in or affecting any such road or in or upon or across any such bridge or approach shall be laid or executed in such position in or at the side thereof in such manner and at such depth as the county council in writing under the hand of their surveyor may reasonably direct:

(2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such road bridge or approach be not less than seven days instead of three days:

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(3) The plan required by section 9 of the last-mentioned Act shall as regards any such bridge be on a scale of not less than an inch to four feet and in respect of any such road or bridge approach on a scale of not less than $\frac{1}{2500}$ and such plans shall be accompanied by sections drawn to suitable scales to clearly show the proposed works and shall be delivered to the county council or their surveyor by the Council not less than in the case of a bridge or bridge approach one month and in all other cases seven days before the Council commence to open break up or interfere with any such road bridge or approach or other property of the county council:

(4) The Council shall not interfere with the structural part of any such bridge or approach without the consent in writing of the surveyor to the county council which consent may be given upon such conditions as the county council may reasonably determine:

(5) Nothing in this Act shall interfere with prejudice or affect the right of the county council at any time to alter the level of or deviate drain widen reconstruct or improve in any manner they think fit any such road in or along which any mains pipes or works of the Council shall have been laid and the Council shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter at the expense of the Council the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration in the manner hereinafter prescribed and the county council shall not be liable to make any compensation to the Council for any expense or loss which the Council may be put to or sustain in consequence of any such alteration deviation draining widening reconstruction improvement or other work as aforesaid:

(6) Nothing in this Act shall interfere with prejudice or affect the right of the county council at any time to remove alter widen repair raise or rebuild any such bridge or approach under in over near or

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attached to which any mains pipes or works of the Council are carried in the same manner as they might have removed altered widened repaired raised or rebuilt such bridge or approach if this Act had not been passed and such mains pipes or works had not been so laid or attached and the county council shall not make any compensation to the Council for any expense or loss to which the Council may be put in consequence of any such removal alteration widening reparation raising or rebuilding and in the event of any such bridge or approach over under in or near or attached to which any such mains pipes or works are laid being removed altered widened repaired raised or rebuilt as aforesaid the Council shall within such reasonable time as the surveyor of the county council may prescribe at their own cost in all things alter such mains pipes or works to such position as he may reasonably fix and when such bridge or approach has been altered widened repaired raised or rebuilt as the case may be shall replace the same to his satisfaction Provided that during the removal alteration widening reparation raising or rebuilding of such bridge or approach as aforesaid the county council shall at the cost of the Council afford all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains pipes or works:

(7) All works shall be so executed by the Council as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road or over any such bridge or approach and the Council shall not break up at any one time a greater consecutive length than one hundred yards of any such road bridge or approach and a clear space of a quarter of a mile shall intervene between each part of any such road bridge or approach as may be broken up:

(8) The Council shall pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any

such road or of the roadway forming part of any such bridge or approach in which the mains pipes or other works of the Council are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said mains pipes or other works:

(9) If the Council in the execution of any works in or affecting any such road bridge or approach as aforesaid shall cause any damage injury or disturbance to such road bridge or approach and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the county council after fourteen days' notice to the Council of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Council shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence:

(10) The county council shall not be liable for or in respect of any injury which may be caused to any main pipe or other work of the Council by reason of such work being at a depth below the surface of any such road or the roadway forming part of any such bridge or approach insufficient for its protection from injury from by or in consequence of the proper exercise of any of the powers or duties for the time being vested in or imposed upon the county council as a road or bridge authority and the use by the county council of a steam roller for the repair of any such road bridge or approach shall not be deemed to be an unreasonable exercise of such powers and duties:

(11) Nothing in the section of this Act of which the marginal note is "Power to lay pipes for purposes ancillary to gas business" shall be deemed to authorise the Council to break up or otherwise interfere with

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any such road bridge or approach as aforesaid without the consent of the county council:

(12) If any difference arises at any time between the county council and the Council touching this section or anything to be done or not to be done thereunder or under any enactment incorporated with this Act such difference shall be settled by the arbitration of an engineer to be agreed upon between the county council and the Council or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 shall apply to the arbitration.

For protection of West Cheshire Water Company.

43.—(1) Whenever the Council in exercise of the powers of this Act require to execute any work over under or within three feet of any main pipe or apparatus belonging to the West Cheshire Water Company (in this section referred to as "the water company") or whenever the water company in the exercise of their statutory powers require to execute any work over under or within three feet of any main pipe or apparatus of the Council by this Act authorised the Council or the water company as the case may be (in this section referred to as "the operators") shall unless otherwise agreed between the parties interested give to the water company or the Council as the case may be (in this section referred to as "the owners") not less than three days' notice before commencing to execute any such work as aforesaid except in cases of emergency and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen and the owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe or apparatus and for securing access thereto and shall also if required so to do by the owners repair any damage that may be done thereto whether directly or by disturbance of the ground wherein the same is laid or by subsequent settling of the said ground or by any other means whatsoever.

(2) Where the operators find it necessary to undermine any such main pipe or apparatus they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

(3) If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to the owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof.

(4) Any question or difference which may arise between the Council and the water company under this section shall be determined by an arbitrator to be appointed on the application of either party by the Local Government Board and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration.

Differences with road authorities or railway or other companies.

44. If any difference arise between the Council and any road authority or railway canal or other company whose lands or works the Council have power to cross under the authority of this Part of this Act as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

For protection of London and North Western and Great Western Railway Companies.

45. Notwithstanding anything in this Act contained the following provisions for the protection of the London and North Western Railway Company and the Great Western Railway Company (hereinafter referred to as "the joint companies") shall be in force and have effect:—

In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the joint companies or the bridges approaches viaducts stations or other works or any level crossings over the railways of the joint companies the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the joint companies or the engineer for the time being in charge of such railways and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Council who also shall restore and make good the roads over any such bridges level crossings

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and approaches which the joint companies are or may be liable to maintain and which may be disturbed or interfered by or owing to any operations of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Council shall make compensation in respect thereof to the joint companies :

Any dispute or difference which may arise between the joint companies and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the joint companies and the Council or either of them.

PART V.

SUPPLY OF ELECTRICITY.

Electrical fittings.

46.—(1) The Council may subject to the provisions of this section sell let for hire and fix repair and remove but shall not manufacture lamps meters electric lines fuses switches lamp-holders motors and other electrical fittings for lighting motive or other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may make such charges and subject to such terms and conditions as may be agreed upon.

(2) The Council shall not themselves execute the wiring of private property except between the main of the Council and the consumer's meter but they may enter into contracts for the execution of any of the powers of this section including the wiring of private property provided that the contractor acts independently of the Council in the execution of the contract The Council shall not sell any such electrical fittings except

through a contractor carrying on his business independently of the Council. A.D. 1914.

(3) Any electrical fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

(4) Provided as follows:—

(A) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(B) The sums properly chargeable and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Council for that year:

(c) Every sum charged by the Council to a consumer in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Council to the consumer.

Supply of electricity to premises having supply of gas.

47. Notwithstanding anything contained in the Electric Lighting Acts 1882 to 1909 a person shall not be entitled to demand or continue to receive from the Council a supply of electrical energy for any premises having a supply of gas unless he has agreed with the Council to pay them such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration.

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As to expenses and receipts.

48.—(1) Any expenses incurred by the Council in carrying into effect the provisions of this Part of this Act relating to the supply of electricity and for which no other provision is made by this Act shall be deemed to be expenses incurred by the Council under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Council under the said provisions shall be applied in manner provided by section 7 (Application of money received by local authority as undertakers) of the Electric Lighting (Clauses) Act 1899.

PART VI.

STREETS BUILDINGS AND SEWERS.

New streets to be defined.

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

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

Trees or shrubs overhanging streets and footpaths.

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

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof

to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

Means of escape from buildings in case of fire.

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

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

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

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

Power to lay drains in private streets.

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

Notice of intention to repair drains.

53.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Council without giving to the Council or the surveyor twelve hours' previous notice in writing of his intention to do so except in case of

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emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

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

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

Area of habitable rooms.

54. Section 23 of the Public Health Acts Amendment Act 1890 in its application in the district shall have effect as if the words "and floor area" had been inserted after the word "height" in subsection (1) of that section.

Occupation of houses without proper water supply.

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

Regulation dustbins.

56. The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide galvanised iron or enamelled iron dustbins for the convenient removal of house refuse and such dustbins shall be of such size and construction as may be approved by the Council and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council shall for every such offence be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings:

Provided that (except as is hereinafter contained) this section shall not authorise the Council to require the provision of a dustbin thereunder in any case in which a dustbin or ashpit in use at the passing of this Act is of suitable size and in proper order and condition:

Provided that the Council may in any case they think fit require the provision of a dustbin in lieu of any ashpit in use at the passing of this Act but in such case they shall except where the medical officer or the inspector of nuisances shall have certified that owing to wilful neglect on the part of the owner or occupier after due notice to keep the same in proper

repair any such ashpit is in such a state as to create a nuisance or be injurious to health bear and pay such sum towards the expense of providing such dustbin (being not less than one half thereof) as they may consider just and proper according to the circumstances and the remainder of such expenses shall be borne by the owner or occupier. A.D. 1914.

Prohibiting entry of petrol &c. into sewers.

57. Every person who wilfully turns or permits to enter into any sewer of the Council or any drain communicating therewith any petrol oil or other like deleterious substances from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

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

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

Saving for railway buildings.

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

PART VII.

SANITARY PROVISIONS.

Manufacture and sale of ice-cream.

60.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who—

(A) Causes or permits ice-cream or other similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

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(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Council shall compensate the owner of the ice-cream commodity or materials so destroyed.

(3) In the event of any cart barrow or other vehicle or stand being in such condition as is likely to render the ice-cream or similar commodity or the materials therein or thereon injurious to health or if the ice-cream or similar commodity or materials are in such a condition as to be unfit for human consumption the medical officer may seize and destroy such ice-cream or similar commodity or materials.

(4) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow or other vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

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

shall be liable to a penalty not exceeding forty shillings for each offence.

Power to require names of laundrymen to whom clothes &c. from infected houses are sent.

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

(2) Any person who shall offend against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Removal of body of person who has died of infectious disease.

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

Cleansing of milk vessels.

63. The provisions of section 34 of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Council under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets.

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To prevent spread of infectious disease amongst children.

64.—(1) No person being the parent or having the care or charge of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the district without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

Provision of storage for food in new houses.

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

Overcrowding of small houses.

66.—(1) If the medical officer has reason to believe that any dwelling-house or separate tenement in the district comprising any number of living rooms and bedrooms not being more than four in all is used for the accommodation of more persons than having regard to the health and well-being of the occupants should be accommodated therein the medical officer or inspector of nuisances may at any time between the hours of nine o'clock in the morning and nine o'clock in the evening enter such dwelling-house or tenement and may measure in cubic feet the space (exclusive of lobbies closets and presses and of recesses not exceeding four feet in depth and not having a separate window therein and not perfectly clear from floor to ceiling and from wall to wall and exclusive also of recesses in which there is any fixture whatever) contained in each such room and if the cubic contents of any such room do not exceed one thousand cubic feet may affix in some prominent position within the dwelling-house or tenement a plate or a ticket on which shall be marked the number of such cubic feet and the number of persons exceeding the age of eight years who without a breach of the provisions of subsection (2) of this section may sleep in each room and any person who obliterates defaces

removes or alters such marking or ticket shall be liable to a penalty not exceeding ten shillings Provided that if entry to any such dwelling-house under the provisions of this section is refused by the person having the custody of such dwelling-house or any person acting in his behalf any justice may upon the application of the Council or the medical officer or inspector of nuisances grant a warrant to the medical officer or inspector of nuisances to enter such dwelling-house during the hours aforesaid for the purposes of this section and any person who obstructs the medical officer or inspector of nuisances in the performance of his duty under such warrant and this section shall be liable to a penalty not exceeding five pounds.

(2) If any room in any such dwelling-house or tenement is used for the purposes of sleeping in by a greater number of persons than in the proportion of one person of the age of eight years or upwards for every four hundred cubic feet of space or of one person of an age of less than eight years for every two hundred cubic feet of space ascertained to be contained therein by measurement as hereinbefore provided or by a greater number of persons than is marked on the plate or ticket affixed therein in pursuance of subsection (1) of this section every person being an occupier of such dwelling-house and so using it or suffering it to be used shall be liable to a penalty not exceeding twenty shillings for every day or part of a day during which it is used or suffered to be used and the medical officer or inspector of nuisances may from time to time enter such dwelling-house if he have reason to believe that the provisions of this section are being contravened.

Offensive trades.

67. For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 a trade business or manufacture shall be deemed to be established not only if it is established anew but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the consent in writing of the Council but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such

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premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

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

68.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the Council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

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

PART VIII.

RECREATION GROUNDS.

Bands and concerts.

69.—(1) The Council may pay or contribute towards the payment of bands of music or vocal choirs and may provide or arrange for the provision of concerts in any recreation ground or public building for the time being vested in the Council and suitable for the purpose or in any public building which the Council may hire for the purpose.

(2) The Council may in any recreation ground vested in them enclose an area for the purpose of any such concert as aforesaid or for any performances by such bands or choirs.

(3) The Council may make such charges as they think fit for admission to any such building or enclosure as aforesaid in connection with any such concert or performance and may make regulations for securing good and orderly conduct during any such concert or performance.

(4) The Council may provide and sell or authorise any person or persons to provide and sell programmes of any concert or performance given in pursuance of this section.

(5) The Council may pay or contribute towards the cost of providing and maintaining at public places in the district and in newspapers published in the district advertisements of any concerts or performances given in pursuance of this section.

(6) Provided always that the net amount of any payments or contributions made by the Council for the purposes of this

section after deducting any moneys received by them in pursuance of this section shall not in respect of any one year exceed a sum equal to a rate of one halfpenny in the pound on the assessable value of the district for the purposes of the general district rate.

(7) Provided also that no payment or contribution shall be made under this section unless incurred in pursuance of a resolution of an absolute majority of the whole number of the Council at a meeting of the Council held after seven clear days' notice of such meeting and of the intention to propose such resolution.

Chairs may be provided.

70. The Council may place or authorise any person or persons to place chairs in any street or place or on any lands adjacent thereto now or hereafter belonging to or leased to them for the use of the public and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of the seats and chairs and for preventing injury or damage thereto.

Use of swimming baths during winter.

71. The Council may during the winter months from first November to first April close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes free from any restriction contained in the Baths and Washhouses Acts 1849 to 1899 or any Act amending the same.

Power to appoint officers.

72. The Council may appoint officers for securing the observance of this Part of this Act and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable until he has been so sworn in and unless he is in uniform or provided with a warrant.

Receipts and expenses under this Part of Act.

73. Any moneys received by the Council under this Part of this Act shall be carried to the credit of the district fund and the expenses incurred by them in exercising the powers contained in this Part of this Act may be paid out of the same fund.

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PART IX.

FINANCIAL PROVISIONS.

Power to borrow.

74.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

(A) For the purchase of the gas undertaking of the Shropshire Union Company as in this Act mentioned and for defraying the costs charges and expenses incident to such purchase and to the transfer of such works to the Council (other than the costs of this Act) such sum or sums as may be necessary:

(B) For and in relation to the purchase of lands and easements the sum of one thousand three hundred and twenty-five pounds:

(C) For the erection of gasworks and works in connection therewith the sum of sixteen thousand three hundred and fifty pounds:

(D) For new gas mains and the extension and improvement of gas mains the sum of one thousand five hundred pounds:

(E) For new services meters stoves and fittings the sum of six thousand five hundred pounds:

(F) For working capital the sum of five hundred pounds:

(G) For paying the costs charges and expenses of this Act the sum requisite for that purpose.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge in the case of moneys borrowed for the purposes (A) (B) (C) (D) (E) and (F) before mentioned the revenue of the gas undertaking and if they think fit as a collateral security the district fund and general district rate and in the case of money borrowed for the purpose (G) before mentioned the district fund and general district rate Provided that the provisions of this section shall not limit the powers conferred upon the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

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Power to borrow additional moneys with consent of Local Government Board.

75. The Council independently of any other borrowing power may from time to time with the sanction of the Local Government Board borrow at interest such further moneys as may be required for the further extension and improvement of and any other purposes of the gas undertaking on the security of the revenue of the gas undertaking and if they think fit as a collateral security the district fund and the general district rate and for any other of the purposes of this Act on the security of the district fund and general district rate Provided that the provisions of this section shall not limit the powers conferred upon the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

Certain provisions of Public Health Acts not to apply.

76. In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act shall not be reckoned and the power of the Council of borrowing and reborrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Mode of raising money.

77. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Provision as to mortgages.

78. The provisions of sections 236 237 and 238 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") apply in the case of all mortgages granted by the Council under this Act as if they were with necessary modifications re-enacted in this Act.

Appointment of receiver.

79.—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver.

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The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Protection of lenders from inquiry.

80. A person lending money to the Council shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or any part thereof.

Periods for repayment of money borrowed.

81. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purposes (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within twenty-five years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (B) in the said section mentioned within sixty years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (C) in the said section mentioned within forty years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (D) in the said section mentioned within thirty years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (E) in the said section mentioned within ten years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (F) in the said section mentioned within ten years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (G) in the said section mentioned within five years from the date of the passing of this Act:

As to moneys borrowed with the approval of the Local Government Board within such period not exceeding sixty years as that Board may think fit to sanction.

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Mode of payment off of money borrowed.

82. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking fund.

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

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

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be invested in any statutory security the Council being at liberty from time to time to vary and transpose such investments.

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

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

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shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

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

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

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

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

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

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

Power to invest all sinking funds in statutory securities.

84. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the repayment of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to use sinking fund instead of borrowing.

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

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

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

(2) The Council when exercising the power conferred by this section shall—

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

(B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

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

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

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

Power to reborrow.

86.—(1) The Council shall have power—

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

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

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

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

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

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

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

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

Power to use one form of mortgage for all purposes.

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

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

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any

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precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

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

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

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

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

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

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

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

Council not to regard trusts or bound to see to application of moneys.

88. The Council shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan borrowed granted or issued by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register.

Return respecting sinking fund to Local Government Board.

89.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised under any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities

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upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest have been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

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

Expenses of executing Act.

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

Application of money borrowed.

91. All money borrowed under the provisions of this Act shall be applied only to the purposes for which it is authorised to be borrowed and (except in the case of money borrowed for working capital) to which capital is properly applicable Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking

fund or shall be applied in such manner as the Council with the consent of the Local Government Board determine.

Proceeds of sale of surplus lands.

92. The proceeds of the sale of any lands or other property of the Council under the powers of this Act and the fines and premiums on any leases granted by the Council under this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such sums shall not be reborrowed.

Council to keep separate accounts of gas undertaking.

93. The Council shall keep separate accounts of their receipts and expenditure on capital and revenue account for the purposes of their gas undertaking.

Audit of accounts.

94. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts.

Application of revenue and deficiency of receipts in respect of gas undertaking.

95.—(1) The Council shall apply all moneys received by them on revenue account in respect of their gas undertaking in manner and in the order following (that is to say):—

(First) In payment of the working and establishment expenses and cost of maintenance of the undertaking;

(Secondly) In payment of the interest on moneys borrowed for the purposes of the undertaking;

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

(Fourthly) In extending and improving (if the Council think fit) any works for the purposes of the undertaking;

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

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by the Council not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum:

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

(2) Any deficiency in the revenue of the gas undertaking of the Council shall be made good out of the district fund or general district rate within twelve months after the deficiency is ascertained.

Part X.

Miscellaneous.

Power to retain sell &c. lands.

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

Council not liable for damages save in case of negligence.

97. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Council or any contractor or person employed by them are required to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be deemed to be part of the expenses payable by such owner or occupier and shall be recoverable accordingly.

As to breach of conditions of consent of Council.

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

Inquiries by Local Government Board.

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

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

Informations by whom to be laid.

100. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by an officer of the Council authorised in that behalf.

As to notices &c.

101.—(1) Where any notice or demand under this Act or under any local Act provisional order or byelaw for the time

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being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

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

Evidence of appointments and authority &c.

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

Confirmation of byelaws.

103. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act.

As to appeal.

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

Recovery of penalties &c.

105. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and

expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

106. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Damages and charges to be settled by justices.

107. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by a court of summary jurisdiction before whom any offender is convicted.

Penalties to be paid over to treasurer.

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

Determination of compensation.

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

Persons acting in execution of Act not to be personally liable.

110. No matter or thing done or contract entered into by the Council nor any matter or thing done by the clerk or by any member or officer of the Council or any person whomsoever acting under the direction of the Council shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Council or clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Council.

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Saving for indictments.

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

Judges not disqualified.

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

Powers of Act cumulative.

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

Saving Crown rights.

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

Costs of Act.

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

The SCHEDULES referred to in the foregoing Act. A.D. 1914.

THE FIRST SCHEDULE.

MEMORANDUM of Agreement made and entered into the twelfth day of March one thousand nine hundred and fourteen between the ELLESMERE PORT and WHITBY URBAN DISTRICT COUNCIL (hereinafter called "the Council") of the one part and the Shropshire Union Railways and Canal Company (hereinafter called "the company") of the other part as follows:—

1. The Council hereby undertakes and agrees with the company to purchase and the company agrees to sell the gasworks undertaking carried on by the company at Ellesmere Port under the powers conferred on the company by section 60 of the London and North Western Railway Act 1893 and (except as hereinafter mentioned) all and singular the gas mains and pipes meters lamps and fittings of the company laid or placed in the streets and other places within the district of the Council and also the gasworks gasometers retorts or other gas producing and storage works and plant meters and stoves in use and in stock stores coal coke lime gas and residuals machinery apparatus and fittings used in connection with the said undertaking and belonging to the company as the same shall exist on the day hereinafter appointed for the completion of the sale (hereinafter called "the transfer day") And also all contracts and benefits of contracts (if any) in subsistence on that day The site of the said gasworks gasometers retorts or other gas producing and storage works and plant is not included in the sale and there shall also be excepted therefrom all mains pipes and meters lamps and fittings on the company's premises laid for the company's own use.

2. The Council shall within six calendar months from the transfer day remove from the company's premises all the gasworks gasometers retorts and other gas producing and storage works and plant included in the purchase doing as little damage as possible to the company's property and making good any such damage that may be caused thereby.

3. The consideration for the sale shall be the payment by the Council to the company on the transfer day of a sum to be mutually agreed upon between the company and the Council or failing agreement as shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 by a single arbitrator to be

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agreed upon by the Council and the company or failing agreement to be nominated by the President for the time being of the Institution of Gas Engineers.

4. The company shall be entitled to all rates rents and profits accrued due in respect of the undertaking and shall discharge all trade accounts outgoings and liabilities up to the transfer day the said rates rents profits and outgoings being apportioned so far as may be necessary.

5. The company shall until the transfer day carry on and manage their said undertaking according to their usual course of business and shall keep their gasworks in their present state and condition (reasonable wear and tear strikes of workmen and accidents excepted) and shall give to the Council all reasonable facilities for connecting altering renewing or repairing mains and pipes whether before or after the transfer day as shall be necessary to secure that there shall not be any avoidable interruption in giving a supply of gas to consumers within the district of the Council.

6. The day appointed for the completion of the sale and the payment of the consideration above mentioned (hereinbefore referred to as "the transfer day") shall be nine calendar months after the giving of the Royal Assent to the Bill or Act referred to in clause 8 hereof and if from any cause all or part of the consideration payable by the Council to the company on that day shall not be so paid the Council shall pay to the company interest after the rate of £5 per cent. per annum on the moneys remaining unpaid from the transfer day until payment thereof.

7. If from any cause the purchase shall not be completed on the transfer day the company shall as agents for and at the expense and risk of the Council carry on the undertaking until the purchase shall be actually completed the company being entitled to retain or be paid for their services any profits which may arise from the carrying on of the undertaking during such period The Council shall indemnify the company against all liabilities incurred by them whilst carrying on the undertaking as aforesaid.

8. The Council shall amend the Bill which they are promoting in Parliament to empower them (amongst other things) to purchase certain of the gasworks of the company in such a manner as may be necessary to give full effect to the terms and conditions of this agreement and shall use their best endeavours to procure the passing of such Bill as so amended In the event of either House of Parliament making any alteration in the said Bill which in the opinion of the company would materially affect the terms and conditions of this agreement or if the said Bill be not passed in the present session of

Parliament or if the Council should fail from any cause to complete the purchase within three calendar months from the transfer day then and in any such case it shall be in the option of the company to withdraw from this agreement The purchase by the Council of the company's gasworks undertaking shall be deemed to be a compulsory purchase.

9. All questions or differences which may at any time arise between the Council and the company touching this agreement or the subject-matter thereof or arising out of or in relation thereto shall be referred to and determined by arbitration in manner provided by clause 3 hereof.

In witness whereof the Council and the company have caused their respective common seals to be hereunto affixed the day and year first before written.

The common seal of the Ellesmere Port and Whitby Urban District Council was hereunto affixed in pursuance of a resolution passed at a meeting of the Council in the presence of

JOHN W. NICHOLAS
Chairman of the Council.

THOS. W. FRANCIS
Clerk to the Council.

L.S.

The common seal of the Shropshire Union Railways and Canal Company was hereunto affixed in the presence of

J. BISHOP
Secretary.

L.S.

THE SECOND SCHEDULE.

Gas Lands.

A piece of land containing five acres or thereabouts situate in the parish of Great Stanney in the urban district of Ellesmere Port and Whitby in the county of Chester and being parts of the enclosures numbered 39 and 41 on the ordnance map of the said parish (scale $\frac{1}{2500}$ edition 1911) bounded on the north by Cromwell Road on the north-east by the Shropshire Union Canal and on the south-east and west by land belonging to the Dean and Chapter of Chester.

A.D. 1914.

THE THIRD SCHEDULE.

Form of Mortgage.

Ellesmere Port and Whitby Urban District.

By virtue of the Ellesmere Port and Whitby Urban District Council Act 1914 and of any other powers in that behalf them enabling the Ellesmere Port and Whitby Urban District Council (hereinafter called "the Council") in consideration of the sum of pounds paid to the treasurer of the Council by (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum of pounds so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of shall be fully paid and satisfied with interest for the same at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the said principal sum of pounds shall be repaid at the office of the Council in the said district on the day of one thousand nine hundred and :

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

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

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this day of one thousand nine hundred and .

FORM OF TRANSFER OF MORTGAGE.

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

Dated this day of one thousand nine hundred and .

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