CHAPTER lxxiii.

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An Act to empower the Fleetwood Urban District Council to construct a sea wall and other works to run omnibuses to confer further powers on the Council in regard to the supply of electricity and to make further and better provision for the health local government finance and improvement of the district and for other purposes.

[29th July 1927.]

WHEREAS the urban district of Fleetwood (in this Act called "the district") is under the local government of the Fleetwood Urban District Council (in this Act called "the Council"):

And whereas the district is situated on a promontory in the county of Lancaster and is bounded by water on three sides viz. on the east north and west sides the boundary on the north and west being the Irish Sea:

And whereas a considerable portion of the district is low lying and below the level of high-water mark of ordinary spring tides and therefore unless adequately protected by sea defence works is in grave danger of being flooded in times of storm:

And whereas a sea wall and other sea defence works have from time to time been constructed by the owners of the adjoining lands but by reason of the violence of the storms the sea has broken through and done great damage to the said low lying land:

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And whereas the district is rapidly developing and the said low lying land a considerable portion of which belongs or is reputed to belong to the Fleetwood Estate Limited comprises roughly one-fourth of the district and is ripe for development if the danger of flooding be removed:

And whereas it is expedient that the Council as the local authority of the district should be empowered to make and maintain the sea wall and other defence works with the promenade described in this Act at the joint expense of the Council and the Fleetwood Estate Limited and upon the terms and conditions set forth in the agreement scheduled to this Act:

And whereas it is expedient that the Council should be authorised to run omnibuses within any part of their district and also beyond their district:

And whereas it is expedient to confer upon the Council the further powers with regard to the supply of electricity contained in this Act:

And whereas it is expedient that further provision be made with regard to the health local government and improvement of the district as by this Act provided:

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

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

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

	£
For the construction of the sea wall and promenade Work No. 1 and the sea wall Work No. 2 authorised by this Act - - - - - -	55,000
For the provision of omnibuses authorised by this Act - - - - -	6,000
For the purchase of land and the erection of buildings for the purposes of omnibuses - - - - -	5,000

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

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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 Minister of Health has been obtained:

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Fleetwood Urban District Council Act 1927.

Division of Act into Parts.

2. This Act is divided into Parts as follows (that is to say):—

Part I.—Preliminary.
Part II.—Works and lands.
Part III.—Regulation of promenade.
Part IV.—Omnibuses.
Part V.—Electricity.
Part VI.—Marine lake baths public buildings &c.
Part VII.—Streets buildings sewers and drains.
Part VIII.—Infectious disease and sanitary provisions.
Part IX.—Police and hackney carriages.
Part X.—Lands.
Part XI.—Financial.
Part XII.—Miscellaneous.

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Incorporation of Acts.

3. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) (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.

Interpretation.

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

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

"The district" means the urban district of Fleetwood;

"The Council" means the Fleetwood Urban District Council;

"The treasurer" "the clerk" "the medical officer" "the surveyor" and "the sanitary inspector" mean respectively the treasurer the clerk the medical officer of health the surveyor and the sanitary inspector of the district and include respectively any persons duly authorised to discharge temporarily the duties of those officers;

"The general improvement fund" and "the general improvement rate" mean respectively until the date of the first new valuation as defined in the Rating and Valuation Act 1925 the general improvement fund and the general improvement rate of the district and after the date of the first new valuation the general rate fund and the general rate of the district;

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

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

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the district;

"Food" has the meaning assigned to it by section 26 (Definition of "food") of the Sale of Food and Drugs Act 1899;

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

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

"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;

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

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

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PART II.

WORKS AND LANDS.

Power to construct sea wall promenade and other works.

5. Subject to the provisions of this Act the Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter referred to.

The works hereinbefore referred to and authorised by this section will be situate in the district and are :—

Work No. 1 A sea wall and promenade commencing at the south-western corner of the enclosure numbered 271 on the $\frac{1}{2500}$ Ordnance map Lancashire sheet XXXVII. 16 and terminating at the northern end of the existing sea wall and promenade numbered 228 on the $\frac{1}{2500}$ Ordnance map Lancashire sheet XLII. 4;

Work No. 2 A sea wall or revetment commencing at the commencement of Work No. 1 and terminating at a point in the northern boundary of Rossall Grange Lane 120 yards or thereabouts from the commencement of Work No. 1.

Together with all necessary fences footways approaches retaining walls steps slipways sewers drains embankments railings groynes sluices culverts aprons lights works appliances and conveniences connected with or ancillary to the said works or any of them.

Limits of deviation.

6. In the construction of the works authorised by this Part of this Act the Council may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding three feet either upwards or downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Subsidiary works.

7.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Council may in connection with the works authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered

with by or be contiguous to the said works or any of them and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works or any of them and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe or electricity or telephone wire or apparatus within the said limits the Council providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

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

Confirming agreement with Fleetwood Estate Limited.

8. The agreement dated the thirty-first day of March one thousand nine hundred and twenty-seven made between the Council of the one part and the Fleetwood Estate Limited of the other part set forth in the First Schedule to this Act is hereby confirmed and made binding on the parties thereto and may and shall be carried into effect accordingly Provided that the said agreement may be varied and altered by agreement between the Council and the Fleetwood Estate Limited.

Period for completion of works.

9. If Works Nos. 1 and 2 are not completed within five years from the passing of this Act then on the expiration of that period the powers granted by this Part of this Act for the making thereof shall cease except as to so much thereof as shall then be completed:

Provided that the Council may reconstruct or renew any part of the said works.

Acquisition of lands.

10.—(1) Subject to the provisions of this Act and of the agreement set forth in the First Schedule to this Act and for the purposes of this Act the Council may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference.

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(2) The Council may also subject to the like provisions enter upon take and use all or any part of the foreshore (except the mines and minerals thereunder) delineated on the deposited plans and described in the deposited book of reference and situate between high and low water marks of ordinary tides.

(3) All lands and foreshore so taken or used shall by virtue of this Act vest in and belong to the Council.

(4) No compensation shall be payable by the Council in respect of any land or foreshore entered upon taken or used under the powers of this Act.

Correction of errors in deposited plans and in book of reference.

11. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county palatine of Lancaster for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and the clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Persons under disability may grant easements &c.

12. 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.

PART III.

REGULATION OF PROMENADE.

Prohibiting public speeches &c. on the promenade.

13. From and after the passing of this Act it shall not be lawful upon the promenade authorised by this Act or upon any portion thereof to deliver utter or read aloud any public speech lecture address discourse or other matter of any kind or description whatsoever or to sing any sacred or secular song or to enter into any public discussion maintaining the right to deliver utter or read aloud any public speech lecture discourse address or other matter or to hold or cause or take part in any public assemblage or without the consent of the Council to play any musical instrument Any person offending against the provisions of this section shall be subject to a penalty not exceeding forty shillings and it shall also be lawful for any constable or any officer of the Council to remove from the promenade any person so offending.

Sand &c. not to be removed from seashore without licence of Council.

14. Any person who at any time digs carries away or removes any sand gravel shingle rock soil or other material from the seashore in front of any of the works by this Act authorised without having first obtained the licence in writing of the Council or who having obtained such licence digs carries away or removes any sand gravel shingle rock soil or other material from any part of the seashore mentioned in this section or in any quantity or manner other than the part quantity or manner permitted by such licence shall for every such offence be liable to a penalty not exceeding twenty pounds.

PART IV.

OMNIBUSES.

Power to provide and run omnibuses.

15.—(1) Subject to the provisions of this Act the Council may provide and maintain (but shall not manufacture) and may run omnibuses (*a*) within the

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district and (*b*) with the consent of the Minister of Transport and the local authority of the district along any route without the district which is situate on the western side of the River Wyre between the district and an imaginary line drawn in a south-westerly direction from the point where the Main Dyke joins the south-easterly boundary of the Poulton-le-Fylde Urban District to the most southerly boundary of the county borough of Blackpool Provided that the consent of a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

(2) In the case of any application under the provisions of this section for the consent of the Minister of Transport the Council shall give notice in writing of their proposals to the road authority (where it is not also the local authority) and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister of Transport shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto and if any objection shall be made by any such person or the consent of the local authority is withheld the Minister of Transport may direct an inquiry to be held.

(3) The Council may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of such omnibuses but the Council shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The Council shall perform in respect of the omnibuses provided under this section such services

with regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(6) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Council as if they were carriages used on tramways.

(7) The Council may make byelaws for regulating the travelling in or upon their omnibuses and for the prevention of nuisances in or upon the same or in or against any premises held by the Council in connection therewith.

(8) For the purposes of this Part of this Act the expression "road authority" means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road.

For protection of Blackpool Corporation.

16. Except in so far as may be otherwise agreed in writing between the Council and the mayor aldermen and burgesses of the county borough of Blackpool (in this section referred to as "the corporation") under their respective common seals the following provisions shall have effect (that is to say) :—

Notwithstanding anything in this Act contained the Council shall not run omnibuses in the county borough of Blackpool nor shall the corporation under the provisions of the Blackpool Improvement Act 1925 run omnibuses within the district save and except over such route or routes and upon such terms and conditions as may be from time to time agreed between the corporation and the Council or failing agreement as may be determined by the Minister of Transport on the application of the corporation or the Council.

Fares and charges &c.

17.—(1) Subject to the provisions of this section the Council may demand and take for passengers and parcels carried on the omnibuses of the Council fares

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and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport.

Any application for a revision of such maximum fares or charges may be made by the Council or by the local authority of any district in which such omnibuses are run.

Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Council or by any of the parties on whose representation the inquiry is held or partly by the Council and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

(2) Every passenger travelling upon the omnibuses of the Council may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat required for a passenger nor be of a form or description to annoy or inconvenience other passengers.

(3) The Council may if they think fit convey on the omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but they shall not carry any other goods or animals.

(4) The fares rates and charges authorised by this Act or by the provisions incorporated therewith shall be paid to such persons and at such places upon or near to the Council's omnibuses and in such manner and under such regulations as the Council may by notice to be annexed to the lists of fares rates and charges appoint.

Working and other agreements.

18.—(1) The Council and the mayor aldermen and burgesses of the county borough of Blackpool (in this section called "the corporation") may enter into and

carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts under which such omnibus services are authorised.

(2) The Council and the corporation may also enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

(*a*) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;

(*b*) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

(*c*) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;

(*d*) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(3) The Council shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service lands depôts buildings sheds or property beyond the district otherwise than with the consent of the local authority of the district within which such omnibus service lands depôts buildings sheds or property are situate Provided that on complaint being made to the Minister of Transport that such consent is unreasonably withheld the Minister may if he thinks fit by order dispense with such consent.

Stopping and starting places.

19. The Council may appoint the stations and places from which the omnibuses of the Council shall start or at which they may stop for the purposes of taking up or

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setting down passengers and may fix the time during which such omnibuses shall be allowed to remain at any such place but any such appointment and fixing of time shall (as respects any station or place outside the district) be subject to the consent of the local authority of the district within which such station or place is appointed which consent shall not be unreasonably withheld and if any difference arises as to whether such consent is unreasonably withheld such difference shall be determined by the Minister of Transport.

Through omnibuses.

20. Subject to the provisions of this Act the Council may run through omnibuses along any route on which the Council are for the time being authorised to run omnibuses and such omnibuses shall be distinguished from other omnibuses in such manner as may be directed by the Council and they may demand and take for every passenger by such omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such omnibus Provided that during the running of such through omnibuses the Council shall maintain a reasonably sufficient ordinary service of omnibuses.

Power to reserve omnibuses for special purposes.

21.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Council may on any occasion run and reserve omnibuses on any route on which the Council are for the time being authorised to run omnibuses for any special purpose which the Council may consider necessary or desirable provided that such special omnibuses shall be distinguished from other omnibuses in such manner as the Council may direct and that during the running of such special omnibuses the Council shall maintain a reasonably sufficient ordinary service of omnibuses as the case may be.

(2) The Council may make byelaws and regulations for prohibiting the use of any such omnibuses by any persons other than those for whose conveyance the same are reserved.

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

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Shelters and waiting-rooms.

22. The Council may erect and maintain sheds shelters or waiting-rooms for the accommodation of passengers on any omnibus route of the Council and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads.

Cloak-rooms &c.

23. The Council may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their omnibus undertaking and at any suitable places on any omnibus route of the Council and the Council may make charges for the use of such cloak-rooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of any highway without the consent of the road authority.

For protection of London Midland and Scottish Railway Company.

24. The following provisions for the protection and benefit of the London Midland and Scottish Railway Company (in this section called "the company") shall apply and have effect except in so far as may be otherwise agreed in writing between the Council and the company:—

Notwithstanding anything contained in this Act no shed shelter waiting-room cloak-room or room barrier or post shall be erected maintained or provided or starting or stopping place appointed so as to cause interference with or to render less convenient the access to or exit from any station depôt or property belonging to the company nor shall any such shed shelter waiting-room cloak-room room barrier or post be erected maintained or provided on any bridge carrying any street or road over the railways of the company.

For further protection of London Midland and Scottish Railway Company.

25. Nothing in this Act shall impose any obligation or enlarge any existing obligation of the London Midland and Scottish Railway Company to strengthen alter adapt or repair any road or bridge maintainable by them.

Lost property.

26. Any property found in any omnibus of the Council or in any shelter or waiting-room in connection with their omnibus undertaking shall forthwith be handed to the conductor of the omnibus or be taken to a place

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to be appointed for the purpose by the Council and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue of the omnibus undertaking.

Attachment of signs indicating stopping places to lamp-posts &c.

27.—(1) The Council may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the Council's omnibuses signs or directions indicating the position of stopping places for omnibuses and boards for exhibiting time tables and notices Provided that in cases where the Council are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign direction or board and shall make compensation to the said owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Council shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

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

(3) The Council shall not attach any such sign direction or board to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

(4) The Council shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to a railway company without the consent of such company in writing.

As to bye-laws &c. under this Part of this Act.

28. Any byelaws and regulations made by the Council under the provisions contained in this Part of this Act shall be subject and according to the provisions of section 46 (Byelaws by local authority Promoters may make certain regulations) and section 47 (Penalties may be imposed by byelaws) of the Tramways Act 1870 and those provisions shall apply accordingly.

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Accounts to be furnished to Minister of Transport.

29. The Council shall every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their omnibus undertaking.

PART V.

ELECTRICITY.

Electricity limits.

30. For the purposes of this Part of this Act the expression "the electricity limits" means the area within which the Council are authorised by any Act or Provisional or Special Order to supply electricity.

Power to lay electric mains in private streets.

31. The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not repairable by the inhabitants at large within the electricity limits supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1926 and of the schedule to the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof :

Provided that the Council shall not without the consent of a railway company lay down or place any electric mains wires and apparatus in any road or street for the time being belonging to or forming the approach to any station or depôt of a railway company.

Power to construct electrical sub-stations under streets.

32. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1926 and of the schedule to the Electric Lighting (Clauses) Act 1899 the Council may construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the electricity limits sub-stations transforming stations and other works in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient :

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Provided that the Council shall not under the powers of this section construct any such sub-station transforming station or other works (*a*) in or upon any bridge carrying a street over a railway or the approaches thereto or under any bridge carrying a railway over a street or (*b*) in any street belonging to or repairable by a railway company and forming the approach to any station or depôt of such company or (*c*) so as to obstruct the access to or exit from any station or depôt of a railway company constructed and maintained under statutory authority except with the consent in writing of such railway company.

Use for lighting purposes of electricity supplied for power.

33.—(1) No consumer to whom electricity is supplied by the Council for power purposes shall without the consent in writing of the Council use such electricity for lighting purposes or suffer it to be so used.

Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Council through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for power purposes shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Council at such higher rate as for the time being they may be charging for the supply of electricity for lighting purposes for all or any portion of the electricity which has been supplied to him for power purposes within one year previous to the date when the Council shall sue for any penalty as aforesaid.

Any court having jurisdiction to impose such penalty may and shall on the application of the Council decide upon what portion (if any) of such electricity the higher charge as aforesaid shall be payable to the Council.

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

Provisions as to supply of electricity by agreement.

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

if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement Provided that before discontinuing any such supply the Council shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

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

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

As to maximum power which may be demanded.

35.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Council shall not include any supply of energy taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Council in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the

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Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Byelaws as to apparatus and fittings.

36. The Council may make byelaws for the purpose of preventing fire in any building or premises supplied with electricity by the Council with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 (Regulations to be inserted in licences &c.) of the Electric Lighting Act 1882 shall apply to any byelaws made under this section :

Provided that nothing contained in any byelaws to be made under this section shall apply to or in respect of any building or premises (other than a dwelling-house) belonging to a railway company and used by such company primarily for railway purposes.

Period of error in defective meters.

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

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the 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 charges for electricity are recoverable by the Council.

Entry upon premises Penalty for obstruction.

38.—(1) Any person who shall hinder an officer appointed by the Council from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings.

(2) Where any premises which the Council are entitled to enter in pursuance of the said section 24 are unoccupied the Council may after giving not less than forty-eight hours' notice to the owner thereof or if he

is unknown to the Council and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage. A.D. 1927.

Charges for special readings of electricity meters.

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

Discounts for prompt payments.

40. The Council may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Council for the supply of electricity from any person who pays the same within such time of the demand thereof as the Council think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Council shall allow such discount) be endorsed on every demand note in respect of such charges Provided that the Council shall make the same allowance to all consumers under similar conditions.

PART VI.

MARINE LAKE BATHS PUBLIC BUILDINGS &C.

Marine lake and bathing pool.

41.—(1) Subject to the provisions of this Act the Council may on any part of the seashore beach or foreshore belonging to them construct and maintain a marine lake and bathing pool together with such works appliances and conveniences as may be necessary or proper in connection therewith and such other buildings as may be approved by the Minister of Health.

(2) The Council may make such reasonable charges as they may think fit for the admission to and use of the marine lake and bathing pool by this Act authorised to be constructed or any part thereof or any works appliances or conveniences provided in connection therewith or any other buildings erected with the approval of the Minister of Health and the Council may if they think fit let any such works appliances conveniences and buildings.

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

As to baths and bathing pools.

42. Subject to the provisions of this Act—

(1) The Council may construct and may maintain alter extend enlarge improve repair furnish and equip or discontinue sell and dispose of open or covered sea-water or fresh-water swimming and other baths and bathing pools with all necessary conveniences and appliances:

(2) The Council may make and enforce byelaws for the management use and regulation of the said baths and bathing pools and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply to such baths and bathing pools and the Council may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make:

(3) The Council may also lay down and provide such sea-water intake pipes apparatus and fittings as may be incidental to or necessary for supplying sea-water to any baths belonging to them and for the purpose of laying and repairing such pipes apparatus or fittings may break up streets repairable by them and alter the position of any culverts pipes and wires under any street Provided that the Council shall not alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

(4) The Council may let on lease to any company or person for such term and on such conditions as they may think fit any baths or bathing pools provided by them as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths or bathing pools contained in this section.

Power to provide and let public hall and other buildings.

43. Subject to the provisions of this Act—

(1) The Council may erect acquire and construct and hold furnish equip maintain insure and carry on a concert hall public hall assembly rooms rooms for all social purposes pavilions conservatories winter gardens bandstands and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante rooms shelters refreshment rooms kitchens cloak rooms lavatories gardens pleasure grounds promenades model yacht ponds outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Council and may provide erect and maintain offices as part of any such building or buildings:

(2) The Council may grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Council on such terms and conditions as they may think fit.

Use of swimming baths &c. for swimming contests &c.

44. The Council may close to the public and may reserve the exclusive use of any swimming bath open bathing place or bathing pool belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or regattas or for other similar purposes and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath open bathing

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place or bathing pool such sums for the exclusive use of such bath place or pool or for admission of persons thereto as they may think fit.

Power to charge for admission.

45. The Council may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of model yacht ponds or lands used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms and conveniences in connection therewith authorised by this Act as the Council may deem fit.

Provision of concerts entertainments &c.

46. Subject to the provisions of this Act—

(1) The Council may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements in any concert hall public hall assembly room pavilion conservatory winter garden band-stand or other building provided by them under the powers of this Act or in any baths bathing pools or model yacht ponds belonging to them or in any parks or recreation grounds for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Council may let any such buildings baths bathing pools model yacht ponds or rooms belonging to them or any parks or recreation grounds for the purpose of such concerts entertainments exhibitions swimming contests athletic meetings regattas or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Council may think fit:

Provided that nothing in this subsection contained shall enable the Council to use any concert hall public hall assembly room pavilion conservatory winter garden or other building provided by them under the powers of this Act for the purposes of a cinema theatre:

(2) The Council may in any baths bathing pools model yacht ponds parks or recreation grounds provided by them enclose an area for the purpose of any such concerts or other entertainments exhibitions swimming contests athletic meetings regattas and amusements as aforesaid :

(3) The Council may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section :

(4) The Council may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this section :

(5) The Council may pay or contribute towards the cost of providing and maintaining at public places in the district and on passenger boats tramway cars and omnibuses plying between the district and other places and in newspapers published in the county of Lancaster advertisements of any concerts entertainments swimming contests athletic meetings exhibitions regattas or amusements given or provided in pursuance of this section :

(6) Provided that if the Council themselves provide or arrange for the provision or carrying on of stage plays under the provisions of this section they shall (unless otherwise authorised by Act of Parliament) either—

(*a*) let the public hall pavilion assembly room or other building in consideration of the payment to them of a sum or sums of money; or

(*b*) enter into an arrangement under which a share in the gross or net receipts in respect of the production of such stage plays shall be credited to them;

and the Council shall not under the provisions of this section undertake any liability for any loss that may be occasioned in the production of any such stage plays :

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(7) Any expenses incurred by the Council under the provisions of this section may be paid by the Council out of the general improvement fund Provided always that the net amount of any payments or expenses made and incurred by the Council under the provisions of (*a*) this section (*b*) section 99 (Public bands advertising &c.) of the Fleetwood Improvement Act 1893 and (*c*) section 56 of the Public Health Act 1925 after deducting any moneys received by them under the provisions of such sections shall not in any one year exceed a sum equivalent to that which would be produced by a rate of twopence in the pound levied on property in the district assessable in that year to the general improvement rate.

Provision and use of booths tents shops stalls stands &c.

47. Subject to the provisions of this Act—

(1) The Council may upon the foreshore belonging or let to them erect provide furnish equip and repair and may let to or may permit any person subject to such charges and upon such terms and conditions as the Council think fit to occupy any site and thereon to use or carry on booths tents bathing huts shops stalls or stands for the sale of refreshments or of articles or commodities of any kind or for the giving of entertainments exhibitions and amusements and for any other purpose tending to promote the recreation health or pleasure of the public :

(2) The Council may let for such periods and upon such terms and conditions as they think fit any booths tents bathing huts shops stalls or stands erected or provided by them under this section :

(3) The Council may upon such terms and conditions as they think fit permit any person by whom any booths tents bathing huts shops stalls or stands are used or carried on under this section to make charges for the use of the same or for admission to entertainments exhibitions and amusements therein :

(4) The Council may provide and let for hire bathing tents huts and vans and towels costumes and other apparatus for bathing purposes and may provide construct and maintain upon the pleasure grounds and seashore belonging or let to them sheds and other conveniences for the storing of the same :

(5) The Council may employ and pay boatmen for the purpose of protecting persons while bathing and may provide any boats for that purpose.

Shelters seats or chairs may be provided.

48. Subject to the provisions of this Act the Council may place or authorise any person or persons to place shelters with or without lavatories and sanitary conveniences seats or chairs for the use of the public on any promenade or other public place and upon land belonging or let to the Council and adjoining any promenade or any street highway or public place or on the foreshore belonging or let to the Council 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 shelters seats and chairs and for preventing injury or damage thereto.

Power to appoint officers.

49.—(1) The Council may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds 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 unless in uniform or provided with a warrant.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

As to receipts and payments under this Part of this Act.

50. Subject to the provisions of this Part of this Act any moneys received by the Council in consequence of the exercise of the powers of this Part of this Act may be carried to the credit of a separate account to be called the "entertainments undertaking" and all

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expenses incurred by the Council in the exercise of such powers shall be paid out of such receipts Any surplus upon the entertainments undertaking in any year shall be carried to the credit of the general improvement fund and any deficit in the said undertaking shall be paid out of the general improvement fund.

Part VII.

Streets Buildings Sewers and Drains.

As to urgent repairs of private streets.

51. Where in the opinion of the Council repairs are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Council may at their own expense execute such repairs as they deem necessary and the execution thereof shall not prejudice or affect the operation with regard to such street at any subsequent date of the Private Street Works Act 1892 or of section 19 (As to urgent repairs of private streets) of the Public Health Acts Amendment Act 1907 Provided that the cost of any such repairs shall not exceed five pounds in the case of any such street.

Adjustment of boundaries of streets.

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

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

pending a decision on or a withdrawal of the appeal The advertisement in the newspaper shall include notice of this proviso.

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

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

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

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

Adjustment of boundaries of estates.

53.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Council for approval the Council may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provisions so to be made and the terms and conditions upon which such provision

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

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

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Council may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the

Minister of Health and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Council may think reasonable.

Byelaws as to intersecting streets.

54. The power of the Council to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street.

As to erection of retaining walls.

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

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

Restriction on erection of temporary stands &c.

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

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

Direction signs.

57.—(1) The Council may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs

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indicating the direction or the distance to towns railway stations public buildings and other places of a public character.

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

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

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

No building allowed until street defined.

58.—(1) Where plans and sections of a new street have been deposited with and approved by the Council no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for such person except with such consent to erect the building or any fence nearer to the centre of the street than such line.

(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.

Byelaws as to erection of dwelling-houses under continuous roof.

59. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the district shall be extended so as to empower the Council to make byelaws with respect to—

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

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

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

Byelaws as to alterations to old buildings.

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

As to hoardings and similar structures.

61.—(1) (*a*) No fence hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches shall be erected or brought forward on any land in any street—

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

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

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

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

(2) (*a*) The Council may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which would (if erected after the commencement of this Act) have contravened the provisions of subsection (1) of

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

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

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

As to repair of hoardings.

62. The Council may by notice in writing require the owner of any hoarding to maintain the same in good order and condition and if any paper or other material affixed thereto for advertising purposes becomes detached forthwith to remove and clear away such paper or other material and if any owner shall neglect or refuse to comply with any such notice the Council may carry out the requirements thereof and recover from the owner any expense incurred by them in so doing.

Byelaws for preventing the construction of obstructive buildings.

63. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Council to make byelaws for securing that any new building shall not be constructed in such situation or manner as to impede the proper ventilation of any other building or to render any such other building or any part thereof unfit for human habitation or dangerous or injurious to health or to prevent necessary access to any such other building for purposes connected with the remedying of nuisances or the enforcing of any legal provisions relating to the public health.

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Means of escape from buildings in case of fire.

64.—(1) Every new building which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Council under the circumstances of the case and the owner shall not permit such building to 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 Council in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the Council's opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Council make such alterations in the said means

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of escape as may be reasonably necessary and shall if so required by the Council provide further or other means of escape.

(4) (*a*) Any person aggrieved by any requirement of the Council under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give twenty-four hours' notice of such appeal and of 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.

(*b*) Notice of the right to appeal shall be endorsed on every requirement of the Council under either of the said subsections.

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

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Council under this section he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable under all the circumstances of the case.

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

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

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

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

Food storage accommodation to be provided.

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

(2) (*a*) Every dwelling-house the erection of which was commenced but has not been completed before the passing of this Act shall where reasonably practicable be provided with a sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Council requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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

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

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

Area of habitable rooms.

66. Section 23 (Extension of 38 & 39 Vict. c. 55. s. 157) of the Public Health Acts Amendment Act 1890 in its application to the district shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Powers on inspection.

67. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the

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

Dilapidated and neglected buildings.

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

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

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

(4) All expenses incurred by the Council under this section in relation to a neglected structure may be deducted by the Council from the proceeds of the sale and the surplus (if any) shall be paid by the Council on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all

costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs.

As to dangerous buildings.

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

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

Sanitary conveniences for workmen engaged on buildings.

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

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

Closet accommodation in houses occupied by more than one family.

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

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

Combined drains.

72.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners subject to a right of appeal under subsection (4) of this section.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Council shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Council under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Council intimating the amount payable or their apportionment thereof On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

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As to houses connected with single private drain.

73.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Council shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Council may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Council may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the district.

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

As to defective drains &c.

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

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

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Amendment of section 62 of Public Health Act 1875.

75. Section 62 (Local authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer" were inserted therein after the words "the surveyor."

Improper construction or repair of water-closet or drain.

76.—(1) If a water-closet drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

As to repair of drains.

77. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Council and if the owner or owners thereof shall fail to repair the same to the satisfaction of the Council within fourteen days after notice shall have been served on him or them requiring the drain to be repaired it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine:

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

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Wilful damage to drains water-closets &c.

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

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

Saving for railway companies.

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

"Restriction on erection of temporary stands &c."

"Means of escape from buildings in case of fire."

"Dilapidated and neglected buildings"

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

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Parents to notify infectious disease.

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

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the

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child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

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

Power to close Sunday schools and exclude children from entertainments.

81.—(1) If the Council or a committee of the Council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the district require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

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

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

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

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

Extended meaning of "infectious disease" for certain purposes.

83.—(1) For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles german measles whooping cough chickenpox ringworm and influenza as well as infectious disease as defined by the section of this Act of which the marginal note is "Interpretation."

(2) For the purposes of section 126 of the Public Health Act 1875 as amended by section 62 of the Public Health Acts Amendment Act 1907 the expression "dangerous infectious disorder" includes infectious disease as defined by the section of this Act of which the marginal note is "Interpretation" and also (in the case of exposure in covered buildings or public conveyances) measles and whooping cough.

Council may supply antidotes against infectious disease.

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

Power to compensate persons for ceasing employment to prevent spread of disease.

85. If any person shall at the request of the Council acting on the advice of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

Penalty on withholding information from medical officer.

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

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

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

As to filthy premises.

87.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Council that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any

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officer of the Council duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Council or a committee of the Council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary orders) of the Summary Jurisdiction Act 1879.

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

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

88. When any person suffering from infectious disease shall die 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.

Prohibition on infected person carrying on business.

89. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household or knowingly carries on any trade or business connected with food in such a manner as to be likely to spread the infectious disease he shall be liable to a fine not exceeding forty shillings.

Disinfection in case of tuberculosis.

90.—(1) (*a*) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) would tend to prevent or check

tuberculosis the clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

(*b*) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer.

(*c*) For the purpose of carrying into effect the provisions of this subsection the Council may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

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

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

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(*b*) Such articles books things bedding and clothing shall be disinfected by the Council and returned to the owner free of charge.

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

Regulation dustbins.

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

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

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

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

(5) The owner or occupier of all premises in connection with which a dustbin has been provided as required by this section shall if so required by the Council pay to the Council on each first day of April after such provision such sum not exceeding five shillings as the Council may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such dustbin. Such payments shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance of such dustbin.

(6) Any owner or occupier who fails within fourteen days after notice given to him to comply with the

requirements of the Council under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

Byelaws as to stables.

92. The Council may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions (*a*) in or about or arising out of any existing stable (whether the same is used as such at the passing of this Act or not) or (*b*) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

As to infected stables and other places.

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

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

Discontinuance of offensive trade.

94.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and in the opinion of the Council it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or

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occupier of the same may be required after six months' notice in writing by the Council under the hand of the clerk to cease to use such premises for the carrying on of such offensive trade Provided that the formation or expression by the Council of an opinion under this subsection shall be deemed to be a determination of the Council within the meaning of the section of this Act of which the marginal note is "As to appeals" and that the provisions of that section shall accordingly apply with respect to such opinion as well as to any requirement by the Council under this subsection.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Council require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Council as may be agreed upon between the Council and such person or as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Council shall have been given for a period only unless the Council shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Council with reference to offensive trades.

Byelaws as to refuse.

95. The power of the Council to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not fæcal or offensive or noxious matter or liquid.

Provisions as to tents vans &c.

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

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

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

Prohibition of tents vans &c.

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

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

(3) Any person aggrieved by the withholding by the Council of their approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Council appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem meet The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

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

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

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

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

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

(3) Every vendor of or dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Council would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and

any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Byelaws as to transport of food.

99.—(1) The Council may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of food.

(2) At least one month before applying to the Minister of Health for confirmation of any byelaws made under this section applicable to the transport by a railway company of food the Council shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister of Health with regard thereto.

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

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

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

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

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

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

As to inspection of premises used for storage of food.

101.—(1) On any inspection carried out by the medical officer sanitary inspector or any other officer of the Council under the provisions of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the vendor merchant or dealer or the agent of such person his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the public analyst.

(2) The expression "public analyst" in this section means the analyst appointed by the Council for the purposes of the Sale of Food and Drugs Acts 1875 to 1907.

Further powers in relation to unsound food.

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

Provided that in the exercise at any railway station or upon any railway premises of a railway company of the powers conferred upon him by this section such medical officer or sanitary inspector shall conform to such

reasonable requirements of the railway company owning or using such station or premises as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to the said company the powers conferred upon the medical officer or sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection of goods by the said company.

Register of persons preparing prawns or shrimps for sale.

103.—(1) Every person carrying on the business of a dealer in prawns or shrimps within the district who contracts with or employs any person for the preparation of prawns or shrimps for sale for the food of man shall enter on a list to be kept by him for the purpose the name and address of every person so contracting with him or so employed by him otherwise than on his own premises.

(2) No prawns or shrimps shall be delivered or supplied to any person in pursuance of any such contract or employment until the name and address of such person has been entered on the said list together with the date of such delivery.

(3) The lists prepared in pursuance of this section shall be open to inspection by the sanitary inspector who shall be at liberty to take such extracts therefrom as he may think fit.

(4) Every person acting in contravention of this section or hindering the sanitary inspector in the exercise of his powers under this section shall be liable to a penalty not exceeding forty shillings.

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

104.—(1) Public notice of the 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 so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an

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officer or servant of the Council that the notice required by this section has been affixed outside the council offices and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

PART IX.

POLICE AND HACKNEY CARRIAGES.

Power to impose test on motor drivers.

105. No person shall be entitled to drive a motor vehicle licensed by the Council as a hackney carriage (which expression shall in this section include an omnibus) unless he shall have satisfied the Council of his ability to drive and for that purpose the Council may impose such reasonable test as they may think fit.

Power to grant occasional licences for hackney carriages and other public vehicles.

106. An occasional licence for a hackney carriage omnibus or other public vehicle to ply for hire may be granted by the Council to be in force for such day or days or other periods less than one year as may be specified in the licence.

Inspection and certification of taximeters.

107.—(1) The Council may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the district to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Council may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

(2) The Council shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

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Byelaws as to hackney carriages.

108. The power to make byelaws conferred upon the Council by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say):—

(*a*) For the examination and inspection of hackney carriages at such times and places as may be prescribed in the byelaws;

(*b*) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire;

(*c*) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made.

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

109. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Council within the district on days appointed for carnivals or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

As to street traffic.

110. The Council may delegate their powers under section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 and under the last preceding section of this Act to a committee consisting of not less than five members of the Council and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the Council.

Byelaws as to seashore and promenades.

111. The powers of the Council under sections 82 and 83 of the Public Health Acts Amendment Act 1907 shall extend to enable them to make byelaws providing for the discontinuance of the user of the seashore and promenades for the purpose of profit or gain by any

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person who seeking to use any part of the seashore or promenades for such purposes shall have failed to pay any charge lawfully prescribed by the Council for or in respect of such user.

Prohibition of touting and hawking on promenades &c.

112.—(1) No person shall in any street road promenade parade public walk garden or place of recreation on the sea front or at any place in any street within fifty yards thereof or on the seashore or beach (above or below high-water mark) within or adjoining the district importune any person by touting for a hotel lodging-house refreshment-house shop boat garden theatre tramway omnibus hackney carriage or any place of amusement nor without the consent in writing of the Council hawk sell or offer for sale any article or commodity Provided that the provisions of this section shall not apply to the sale of newspapers and periodicals in the public highway between the Lower Lighthouse and Cemetery Lane and named "The Esplanade" "The Promenade" and "Laidley's Walk."

(2) Any person offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding forty shillings.

Penalty for unauthorised erection of booths &c.

113. If any person shall erect provide or place or maintain on the seashore belonging or let to the Council any booth tent bathing hut shop stall stand or other erection or obstruction or shall use or carry on the same except in pursuance of the provisions of this or some other Act of Parliament or except with the consent in writing of the Council he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Penalty for crying newspapers.

114. Every person who shall on Sundays in any street or public place in the district call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings.

Power of constables to enforce byelaws as to parks &c.

115. From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Council under the Public Health Act 1875 relating to any park or place of public resort or recreation ground under the control of the Council

as is given to the servants of the Council by the byelaws for the time being in force under the provisions of the said Act. A.D. 1927.

PART X.

LANDS.

Further powers for acquisition of land.

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

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

Retention and disposal of lands.

117.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Council may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the district (other than the Housing Acts 1890 to 1923) 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

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lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

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

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

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

Proceeds of sale of surplus lands.

118.—(1) The Council may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall subject to the provisions of the section of this Act of which the marginal note is "Consolidated loans fund" apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of

extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health

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

PART XI.

FINANCIAL.

Power to borrow.

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

1	2	3
Purpose.	Amount.	Period for repayment.
	£	
(*a*) The construction of the sea wall promenade and works authorised by this Act.	25,300	Sixty years from the date or dates of borrowing.
(*b*) The purchase of land for and the construction of buildings for the purposes of the omnibuses of the Council.	5,000	Forty years from the date or dates of borrowing.
(*c*) The provision of omnibuses - -	6,000	Eight years from the date or dates of borrowing.
(*d*) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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(2) (*a*) The Council may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the other purposes of this Act other than for the purposes of Part IV (Omnibuses) and Part V (Electricity) and may with the consent of the Minister of Transport as respects the said Part IV and of the Electricity Commissioners as respects the said Part V borrow such further money as may be necessary for any of the purposes of those Parts of this Act.

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

(*c*) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister or commissioners with whose consent it is borrowed.

(3) The provisions of this section prescribing the revenues funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Council by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

Certain provisions of Public Health Acts not to apply.

120. 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 re-borrowing 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.

Provisions of Public Health Act 1875 as to mortgages to apply.

121. Subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236 (Form of mortgage);
Section 237 (Register of mortgages);
Section 238 (Transfer of mortgages).

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Mode of raising money.

122. 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 of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) and section 16 (Annual return as to sinking fund) of that Act.

Mode of payment off of money borrowed.

123. 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 or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Sinking fund.

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

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

(*b*) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an "accumulating sinking fund."

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(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 subject to the provisions of this Act unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the 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 moneys for the payment of which the sinking fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the 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 probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the 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 Minister of Health that any such increase is necessary the Council shall increase the payments to such extent as that Minister 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 probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health 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 the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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

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

(12) All moneys which at the date of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock

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and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

Power to re-borrow.

125.—(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 forthwith to be repaid; or

(*b*) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the 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.

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As to section 234 of Public Health Act 1875.

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

Power to use one form of mortgage for all purposes.

127.—(1) Where the Council have from time to time 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 the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Second 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 precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(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 sums secured by mortgages granted under this section and all such sums shall be repaid within the periods and by the means within and by which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section.

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(7) 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 inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights 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 Second Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(9) There shall be kept at the office of the Council a register of the transfers 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.

(10) 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 rights 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 moneys secured thereby.

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(11) 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.

Consolidated loans fund.

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

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

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

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

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

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

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

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

And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory

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securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the interest arising from the investments thereof shall not except with the consent of the Minister of Health be used or applied otherwise than as provided in this subsection.

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

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

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

Investment of and payments into sinking fund.

129. When under the provisions of this Act or 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 or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations (if any) thereof required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Council (that is to say) :—

The accumulations of the said yearly sums shall be paid and provided out of the general improvement fund and the general improvement rate and any interest dividends and the proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and form part of the general improvement fund.

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Use of moneys forming part of sinking and other funds.

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

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

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

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

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

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Application of money borrowed.

131. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Evidence of transfer or transmission of securities.

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

As to mortgage of revenues of Council.

133.—(1) Any reference in any mortgage or charge granted by the Council to the revenue of any undertaking of the Council shall be deemed to be a reference to the revenues of the Council.

(2) In order to secure the repayment of any money hereafter borrowed by the Council under any statutory borrowing power and the payment of interest thereon the Council may mortgage or charge the revenues of the Council.

Receipt in case of persons not sui juris.

134. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Interest on mortgages held jointly.

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

Expenses of execution of Act.

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

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Appointment of receiver.

137.—(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 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 be not less than one thousand pounds in the whole.

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

Return to Minister of Health with respect to repayment of debt.

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

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

(3) If it appears to the Minister by such a return as aforesaid 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 any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the

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Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the district requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

Application of revenue and payment of expenses of undertakings.

139.—(1) Subject to the provisions of subsection (2) of this section and notwithstanding anything contained in any previous enactment all money received by the Council on account of the revenue of any undertaking for the time being of the Council from which revenue is derived including the income arising from the investment of any reserve funds authorised under the said enactments shall be carried to and shall form part of the general improvement fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

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

Separate accounts to be kept.

140.—(1) The Council shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the following undertakings of the Council (that is to say) the omnibus undertaking the electricity undertaking the ferry undertaking and the markets undertaking (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the interest on any reserve fund authorised in connection therewith when such fund amounts to the prescribed maximum) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

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

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

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

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

(*e*) The amount (if any) paid to any reserve fund formed for the purposes of the undertaking under the provisions of the section of this Act of which the marginal note is "Reserve funds" or under any other enactment.

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

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

Reserve funds.

141.—(1) The Council may (if they think fit) provide a reserve fund in respect of each of the following undertakings (namely):—

(*a*) the omnibus undertaking;

(*b*) the ferry undertaking;

(*c*) the markets undertaking;

by setting aside and investing such an amount as they may from time to time think reasonable and investing the same in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council in respect of the undertaking not being more than one-fifth of the aggregate capital expenditure on the ferry undertaking and one-tenth of the aggregate capital expenditure on each of the remaining undertakings.

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

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(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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

Power to create accident fund.

142. The Council may if they think fit form a fund to be called " the accident fund " to provide for meeting claims upon them under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident whether to their officers servants and workmen or third parties occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sum shall be invested at compound interest in or upon any statutory security but when the fund shall amount to the sum of twenty thousand pounds the Council may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Council shall recommence and continue the yearly payments until the fund be restored to the sum of twenty thousand pounds Provided that the Council may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the sum shall not then have reached or shall have been reduced below the said sum of twenty thousand pounds.

Subscriptions to local government associations and other expenses.

143. The Council may pay out of the general improvement fund—

(*a*) Reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for

the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Council not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

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

Closing of registers.

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

Incorporation of provisions of Act of 1902.

145. The following sections of the Fleetwood Urban District Council Act 1902 are incorporated with this Act and shall extend and apply thereto as if those sections with the necessary modifications were set out in this Act (namely):—

Section 30 (Protection of lender from inquiry);

Section 31 (Council not to regard trusts).

Repeal of certain provisions of Order of 1882 and of Acts of 1893 and 1902.

146. Article V of the Fleetwood Order 1882 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1882 and the following sections of the Fleetwood Improvement Act 1893 and the Fleetwood Urban District Council Act 1902 are hereby repealed (that is to say):—

Fleetwood Improvement Act 1893—

Section 85 (Provisions as to sinking fund);

Section 86 (Application of sinking fund);

Section 87 (Power to re-borrow);

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Section 92 (Annual return to Local Government Board with respect to sinking funds);

Section 95 (Separate ferry account);

Section 96 (Application of ferry revenue);

Section 97 (Providing for any deficiency in revenue from ferry undertaking).

Fleetwood Urban District Council Act 1902—

Section 27 (Provisions as to sinking fund);

Section 29 (Power to re-borrow);

Section 33 (Return respecting sinking fund to Local Government Board).

PART XII.

MISCELLANEOUS.

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

147.—(1) Subsection (3) of section 2 of the Public Health Interments Act 1879 shall be extended to enable the Council to accept a capital sum for the purpose of maintaining a particular grave or grave space.

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

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

Power to erect weigh-bridges.

148.—(1) The Council may erect and maintain on any open space or public place on or adjoining any highway in the district such weigh-bridges or weighing machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

(2) The Council may make such reasonable charges as they may determine for and in respect of the use of any such weigh-bridge or weighing machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weigh-bridges or weighing machines erected by the Council under the provisions of this section.

The Council shall not erect or allow the use of any such weigh-bridge weighing machine or offices so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

Power to establish information bureau.

149. The Council may within the district establish and maintain an information bureau for the purpose of supplying such information with regard to the district as may be desired by visitors or intending visitors to the district and others and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or for information supplied by means thereof.

As to publishing weather reports.

150. The Council may provide and maintain barometrical and other instruments for recording the state of the weather and may take all necessary steps for making and publishing weather reports and statistics.

In executing works in default of owner or occupier no liability for damages to be incurred except in case of negligence.

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

Penalty on occupiers refusing execution of Act.

152. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Council under Parts VII or VIII of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to

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be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Power of entry.

153. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Parts VII and VIII of this Act as if those purposes had been mentioned in the said section 102.

General provisions as to byelaws.

154. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Council under the powers of this Act other than byelaws made under Part IV (Omnibuses) thereof Provided that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been given thereto.

Evidence of appointments authority &c.

155. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee 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 or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authentication and service of notices.

156.—(1) Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the district requires

authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

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

As to breach of conditions of consent of Council.

157. 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.

Consents of Council to be in writing.

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

Apportionment of expenses in case of joint owners.

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

Damages and charges to be settled by court.

160. Where any damages expenses 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 or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

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Recovery of demands.

161. 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.

As to appeals.

162. 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 of the Council under the provisions of Parts VI VII VIII or IX or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Council may in like manner appeal.

Several sums in one summons.

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

Informations by whom to be laid.

164. 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 byelaw made thereunder may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the district.

Recovery of penalties &c.

165. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid over to clerk.

166. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid

to the clerk and be by him carried to the credit of the general improvement fund or to such other fund as the Council shall direct.

Compensation how to be determined.

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

Powers of Act cumulative.

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

Application of Arbitration Act 1889.

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

Saving for indictment &c.

170. 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 consequence 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.

Application of section 265 of Public Health Act 1875.

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

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Judges not disqualified.

172. 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.

Inquiries by Minister of Health.

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

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

Inquiries by Minister of Transport.

174. In respect of the exercise of any powers or duties conferred or imposed on the Minister of Transport or the giving by him of any consents under this Act or any existing Act or Order of the Council the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

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

175. The Council shall not nor shall any other body or person under the powers of this Act construct on over or under the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Council or any other body or person shall not at any time alter or extend the same without obtaining previously

to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the owner of such work and the amount of such costs and charges shall be a debt due from the owner of such work to the Crown and shall be recoverable as a Crown debt or summarily.

Crown rights.

176. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council or any other body or person to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Survey of works by Board of Trade.

177. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Council under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Abatement of work abandoned or decayed.

178.—(1) Where any work constructed by the Council under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Council at their own expense to repair

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and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) If during the period of thirty days from the date when the notice is served upon the Council they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Council and the amount of such expense shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Saving rights of Duchy of Lancaster.

179. Nothing contained in this Act shall extend or operate to authorise the Council to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the chancellor for the time being of the said duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said duchy.

Costs of Act.

180. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council in the first instance out of the general improvement fund and general improvement rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

AN AGREEMENT made this thirty-first day of March one thousand nine hundred and twenty-seven between THE FLEETWOOD URBAN DISTRICT COUNCIL (hereinafter called "the Council") of the one part and THE FLEETWOOD ESTATE LIMITED (hereinafter called "the Company" which expression includes their successors in title) of the other part Whereby it is agreed as follows :—

1. The Council shall promote a Bill in the 1927 session of Parliament for the purpose of obtaining powers enabling them to construct a sea wall and other sea defence works hereinafter described.

2. On obtaining the necessary powers the Council shall construct a sea wall one thousand nine hundred yards or thereabouts long commencing at or about the south-west corner of the land adjoining Rossall Grange Lane Fleetwood in the occupation of the Secretary of State for War and extending in a southerly direction until it joins the existing concrete wall at the northern boundary of the property belonging to the Corporation of Rossall School.

3. The Council shall also construct such groynes and execute such repairs to existing groynes as may be necessary for the protection of the sea wall For the like purpose they shall also construct on the landward side of the sea wall a footway or promenade of reinforced concrete or some other suitable material of a width of fifteen feet or thereabouts.

4. The said sea wall groynes and promenade shall be constructed and the said repairs to existing groynes shall be executed in accordance with plans working drawings and specifications prepared by Messrs. Lewis & Lewis of 15 Victoria Street Westminster the consulting engineers to the Council and copies shall be supplied by the Council to the Company before the work is commenced.

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5. After the Royal Assent has been given to the said Bill the Company shall permit the Council to enter upon such of the land of the Company as is necessary for enabling the Council to construct and maintain the said sea wall and promenade with the necessary slopes on the landward side in accordance with the plans drawings and specifications aforesaid and to execute upon such land all works required in or for the purposes of such construction and maintenance and upon completion of all the works to be executed by the Council under this agreement the Company shall convey to the Council upon being called upon by the Council so to do free of cost the land of the Company upon which the said sea wall and promenade are constructed as aforesaid and shall also convey to the Council free of cost all the estate right title and interest of the Company in the foreshore in front of and co-extensive with the said sea wall Provided that if for any reason the construction of the said sea wall and promenade shall not be duly completed substantially in accordance with this agreement all obligation on the part of the Company to convey the said land to the Council shall cease Provided further that after the construction of the slopes aforesaid the Company shall not do anything to deprive the sea wall or promenade of the support of such slopes without the written consent of the Council.

6. The Company shall deliver to the Council or their solicitor an abstract of the title of the Company to the premises hereinbefore agreed to be conveyed to the Council The Council shall accept the title of the Company to the said premises as shown by the said abstract and shall not be at liberty to make any requisitions thereon The conveyance and the counterpart thereof shall be prepared by the solicitor of the Council and the completion shall take place at the offices of the solicitors of the Company Any documents of title not relating exclusively to the said premises shall be retained by the Company who shall in the conveyance give to the Council a statutory acknowledgment of their right to production and delivery of copies thereof and an undertaking for the safe custody thereof.

7. The Company shall afford such reasonable facilities for access by way of Pumping Station Road and Rossall Grange Lane to the beach and to and alongside the site of the works for construction of the said sea wall and promenade as may be necessary to enable the Council to carry out the said works If the Council by carting operations or otherwise in connection with the said works substantially injure the surface of Rossall Grange Lane they shall maintain it in a condition reasonably fit for use and shall upon the completion of the works reinstate such lane and make good any damage done thereto or to any land of the Company of which use has been made by the Council under the provisions of this clause.

8. The Company shall use their best endeavours to provide from their land such a quantity of earth gravel or other suitable material (for removal by and at the expense of the Council) as may be required by the Council for the purpose of providing on the landward side of the said sea wall and promenade a sufficient and effective support and backing for the said sea wall and promenade and no charge shall be made by the Company for any such material.

9. The Council shall have the right to use free of cost as much gravel sand and other materials from the site of the said sea wall and promenade and from the seaward side thereof as may be required for the construction of the said works.

10. The Company shall contribute and pay to the Council in the manner hereinafter provided three-fifths of the actual capital cost which shall be incurred by the Council in or about the construction of the said sea wall promenade groynes and any sea defence or other works incidental or ancillary thereto Provided that the total amount so to be contributed and paid by the Company shall not in any event exceed thirty-three thousand pounds.

11. On the execution of this agreement the Company shall deposit with the Manchester and County Bank Limited Fleetwood Branch in the names of two persons the sum of thirty-three thousand pounds (hereinafter called "the deposited fund") One such person shall be nominated by the Council and the other such person shall be nominated by the Company All interest (if any) allowed by the said bank on such account shall belong to the Company and shall be paid out to the Company as and when allowed.

12. The contribution payable by the Company under this agreement shall be payable in respect of the cost of any work only upon production to the Company of periodic certificates of the said Messrs. Lewis & Lewis showing that the work has been properly executed and that the quality thereof is satisfactory and upon production to the Company of detailed accounts of the cost of the work including all expenditure for material labour and supervision and vouchers time-sheets or other evidence of such cost Such periodic certificates accounts vouchers time-sheets or other evidence shall be produced to the Company at the town hall Fleetwood monthly during the progress of the work and upon such production the Council shall be entitled to receive from the deposited fund an amount equal to three-fifths of the amount shown by such accounts except that on each occasion the Company shall be entitled to retain ten per cent. of the

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amount due to be held by them as retention money until the whole of the works to be executed by the Council under this agreement have been duly executed and completed and certified in accordance with this agreement.

13. The actual capital cost referred to in clause 10 hereof shall not include any proportion of the Council's costs of promotion of the said Bill but shall include the engineer's charges in connection with the preparation and carrying out of the scheme.

14. If any dispute arises between the parties as to the items to be included in the cost of the works referred to in clause 10 hereof such dispute shall be settled by arbitration as hereinafter provided and until such settlement and adjustment (if any) the figures shown by the accounts referred to in clause 12 hereof shall be accepted by both parties as the correct amount of the cost of the works and payment shall be made by the Company accordingly.

15. If the Council shall not commence within three months after the Royal Assent has been given to the said Bill and diligently proceed with and complete with all reasonable despatch the works to be executed by them hereunder the Company shall be entitled (1) to be repaid any balance of the deposited fund remaining in the hands of the two nominated persons and (2) after giving to the Council ten days' notice in writing of their intention so to do to enter upon the said works and the site thereof and to exclude the Council their officers workmen and agents therefrom and to commence and complete or to complete (as the case may be) the said works and for that purpose to use without payment all plant and materials of the Council on the site and the Council shall repay to the Company two-fifths of the expenditure incurred by the Company in so completing the said works if and so far as such expenditure shall not bring the whole capital cost of the works to a sum exceeding fifty-five thousand pounds and the whole of the excess expenditure over fifty-five thousand pounds Any work executed by the Company under this clause shall be executed in accordance with the provisions of clause 4 hereof and the said Messrs. Lewis & Lewis shall act as consulting engineers to the Company in the same way as if the work had been carried out by the Council.

16. After the completion of the said sea wall promenade slopes groynes and other works the Council shall at all times maintain the same in a proper state of repair and if and when necessary reinstate the same but the Council shall be under no liability for any damage caused by flooding by sea water or otherwise from any cause whatever.

17. For the purposes of byelaw 16 of the byelaws with respect to new streets and buildings made by the Council on the seventeenth day of March one thousand nine hundred and twenty-six no land belonging to the Company at the date of this agreement shall after the completion of the said sea wall be deemed to be liable to flooding by floods which the said sea wall is to be constructed to prevent.

18. In the computation of any time within which the Council are required to perform any act or execute any work allowance shall be made for any strike lock-out or labour dispute affecting any workmen employed by the Council or engaged in the preparation or transport of any materials required or used for the purposes of the works contemplated by this agreement.

19. If at any time the Company at their own initiative lay out a street road or carriageway partly or wholly adjoining the land conveyed to the Council under clause 5 hereof the Company shall at their own expense sewer level pave metal flag channel and make good so much of such street road or carriageway as adjoins the land conveyed to the Council and provide proper means of lighting the same The work shall be carried out in all respects in a manner similar to that adopted in the case of highways in the urban district repairable by the inhabitants at large.

20. In consideration of this agreement clause 16 (Improvement rate) shall be struck out of the Bill and the said Bill which has already been deposited shall be further amended as may be necessary in Committee of the House of Lords to confirm this agreement and to enable the provisions thereof to be carried into effect.

21. This agreement shall be scheduled to the said Bill and is made subject to confirmation by Parliament and to such alterations as Parliament may think fit to make therein but if Parliament makes any material alteration herein either party shall be at liberty to withdraw and rescind this agreement.

22. This agreement is subject to the Council obtaining in 1927 session of Parliament the powers herein referred to and if such powers be not so obtained or if this agreement be not confirmed as aforesaid this agreement shall be void and of no effect and the deposited fund shall forthwith be repaid to the Company.

23. If any dispute difference or question shall arise between the Council and the Company touching any matter or thing herein contained the same shall be settled by the decision of a

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single arbitrator in accordance with the provisions of the Arbitration Act 1889 or any statutory modification thereof for the time being in force.

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

The common seal of the urban district council of Fleetwood was hereunto affixed by their order in the presence of

L.S.

R. CROOKALL Chairman.
A. COTTAM Clerk.

The common seal of the Fleetwood Estate Limited was hereunto affixed in the presence of

L.S.

TOM G. LUMB
WM. DRONSFIELD } Directors.
S. S. CLARKSON Secretary.

SECOND SCHEDULE.

FORM OF MORTGAGE.

URBAN DISTRICT OF FLEETWOOD.

By virtue of the Fleetwood Urban District Council Act 1927 and of other their powers in that behalf them enabling the urban district council of Fleetwood (hereinafter referred to as "the Council") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the district by (hereinafter referred to as "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 principal sum 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 principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the 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 principal sum shall be repaid at the town hall in the said district [(subject as hereinafter provided) on the day of nineteen hundred and or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Council to the mortgagee or by the mortgagee to the Council] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may 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 agreed upon between the Council and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the clerk for the time being 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 nineteen hundred and

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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 nineteen hundred and [and the interest to be paid thereon on and from the day of nineteen hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of nineteen 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 referred to as "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 urban district council of Fleetwood 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 nineteen hundred and .

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