CHAPTER lv.

An Act for authorising the Corporation of the city of Liverpool to execute certain street improvements and to acquire and appropriate land for the University College Liverpool; for amending various Local Acts in force in the city; and for conferring on the Corporation further powers in relation to the grant of superannuation allowances to their officers and other matters. A.D. 1882.

[19th June 1882.]

WHEREAS it is expedient to empower the mayor aldermen and citizens of the city of Liverpool (in this Act called the Corporation) to execute the street improvements in this Act mentioned and for that purpose to acquire lands and to borrow money:

And whereas a number of citizens of Liverpool and others have recently contributed a sum of upwards of one hundred thousand pounds for the purpose of founding a college in the said city for the promotion of higher education called the University College Liverpool (herein-after referred to as the College):

And whereas the Corporation recognising the value of such an institution are desirous with the sanction of Parliament of acquiring and appropriating for the purposes of the College certain lands on the north side of Brownlow Hill in the said city subject to the provisions in this Act contained in that behalf:

And whereas numerous enactments for the regulation of buildings and the sanitary welfare of the said city are contained in the following Local Acts in force among others in the said city (that is to say):

The Liverpool Building Act 1842;	5 & 6 Vict. c. xliv.
The Liverpool Improvement Act 1842;	5 & 6 Vict. c. cvi.
The Liverpool Fire Prevention Acts 1843 and 1844;	6 & 7 Vict. c. cix. 7 & 8 Vict. c. li.
The Liverpool Sanitary Act 1846;	9 & 10 Vict. c. cxxvii.
The Liverpool Sanitary Amendment Act 1854;	17 & 18 Vict. c. xv.
The Liverpool Sanitary Amendment Act 1864;	27 & 28 Vict. c. lxxiii.

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Interpretation.

4. Expressions used in this Act to which meanings are assigned by the Liverpool Improvement and Waterworks Act 1871 have (save so far as they are varied by this Act or the context otherwise requires) in this Act the same respective meanings and in this Act and the schedules to this Act—

The expression "the city" means the city of Liverpool:

The expression "the Municipal Corporation Acts" means the Municipal Corporation Act 1835 and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England:

5 & 6 W. 4. c. 76.

The expression "building surveyor" means any surveyor of buildings appointed under the Liverpool Building Act 1842 and includes any assistant surveyor appointed under that Act:

The expression "the Fire Prevention Acts" means the Liverpool Fire Prevention Act 1843 as amended by the Local Act passed in the session of the seventh and eighth years of Her Majesty's reign and intituled "An Act to alter and amend an "Act of the sixth and seventh years of the reign of Her "present Majesty for the better protection of property in the "borough of Liverpool from fire:"

The expression "warehouse" means and includes any building or part of a building deemed to be a warehouse within the meaning of the Fire Prevention Acts:

The expression "street" includes the whole or any part of any street road highway public bridge square court yard lane alley entry weint wynd walk way place or passage open to the public within the city whether a thoroughfare or not and whether kept and repaired or liable to be kept and repaired at the public expense or not and whether any building fronts towards or abuts upon the same or not:

The expression "owner" includes in the case of any building or structure in course of construction any person by whose orders and at whose cost such building or structure is being constructed such person not being any contractor or builder employed to construct the same:

The expression "builder" includes any master builder or other person (whether one or more) employed to execute or who actually executes any work upon any building:

The expression "building" includes in addition to the meaning assigned to it in the Liverpool Improvement and Waterworks Act 1871 any building or structure wholly or partly underground:

powers for investing park-keepers with the authority of constables and in relation to other matters of local government as are in this Act contained:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

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

And whereas the Corporation have a surplus not derived from rates on account of the city fund after providing for all the purposes of the Municipal Corporation Acts and for all other purposes the cost of which is chargeable on that fund:

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

PART I.

Preliminary.

Short title.

1. This Act may be cited as the Liverpool Improvement Act 1882.

Division of Act.

2. This Act is divided into ten parts relating to the following subject matters (that is to say):

Part I. Preliminary.;
Part II. Street Improvements;
Part III. University College Liverpool;
Part IV. Provisions as to Buildings and Streets;
Part V. Lands;
Part VI. Superannuation Allowance to Officers of Corporation;
Part VII. Borrowing;
Part VIII. Lighting Rate;
Part IX. Miscellaneous Enactments;
Part X. Procedure.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

3. The Lands Clauses Consolidation Acts 1845 1860 and 1869 are (except where expressly varied or otherwise provided for by this Act) incorporated with and form part of this Act.

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Interpretation.

4. Expressions used in this Act to which meanings are assigned by the Liverpool Improvement and Waterworks Act 1871 have (save so far as they are varied by this Act or the context otherwise requires) in this Act the same respective meanings and in this Act and the schedules to this Act—

The expression "the city" means the city of Liverpool:

The expression "the Municipal Corporation Acts" means the Municipal Corporation Act 1835 and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England:

5 & 6 W. 4. c. 76.

The expression "building surveyor" means any surveyor of buildings appointed under the Liverpool Building Act 1842 and includes any assistant surveyor appointed under that Act:

The expression "the Fire Prevention Acts" means the Liverpool Fire Prevention Act 1843 as amended by the Local Act passed in the session of the seventh and eighth years of Her Majesty's reign and intituled "An Act to alter and amend an "Act of the sixth and seventh years of the reign of Her "present Majesty for the better protection of property in the "borough of Liverpool from fire:"

The expression "warehouse" means and includes any building or part of a building deemed to be a warehouse within the meaning of the Fire Prevention Acts:

The expression "street" includes the whole or any part of any street road highway public bridge square court yard lane alley entry weint wynd walk way place or passage open to the public within the city whether a thoroughfare or not and whether kept and repaired or liable to be kept and repaired at the public expense or not and whether any building fronts towards or abuts upon the same or not:

The expression "owner" includes in the case of any building or structure in course of construction any person by whose orders and at whose cost such building or structure is being constructed such person not being any contractor or builder employed to construct the same:

The expression "builder" includes any master builder or other person (whether one or more) employed to execute or who actually executes any work upon any building:

The expression "building" includes in addition to the meaning assigned to it in the Liverpool Improvement and Waterworks Act 1871 any building or structure wholly or partly underground:

The expression "public building" means any building used or intended constructed or adapted to be used either regularly or occasionally as a church chapel or other place of public worship or as a hospital workhouse college school (not being merely a dwelling-house so used) theatre public hall public concert room public ball room public lecture room public exhibition room or public place of assembly or used or intended constructed or adapted to be used either regularly or occasionally for any other public purpose:

The expression "warehouse building" means any building or portion thereof used or intended constructed or adapted to be used as a warehouse or store and includes any mill factory manufactory brewery distillery sugar works foundry engine works iron works and other such like building:

The expression "domestic building" means any building used or intended constructed or adapted to be used as a dwelling-house and includes any outbuilding belonging to a dwelling-house whether attached thereto or not and any shop or office and any other building not being a public building or a warehouse building:

Provided that whenever a building combines characteristics of more than one of the three classes of buildings above defined (namely public building warehouse building and domestic building) the Corporation may decide to which of the said classes such building or any part thereof shall be deemed to belong:

The expression "dwelling-house" means any building or part thereof used or intended constructed or adapted to be used wholly or principally for human habitation by day or night:

The expression "structure" as used in this Act in the provisions relating to dangerous structures includes any building wall bridge fence railing hoarding scaffold platform stack of bricks or of timber pier pillar post door gate or other such erection construction or thing:

The expression "ground floor" used with reference to any building means that floor thereof the upper surface of which is nearest to the level of the street or ground adjoining the principal or only entrance to such building:

The expression "ground storey" used with reference to any building means that storey thereof which is comprised between the ground floor and the first floor above the ground floor.

The expression "basement storey" used with reference to any building means that storey thereof which is next below the ground storey or which is in any part more than half its height

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below the level of the street or ground adjoining the principal or only entrance to such building:

The expression "lowest storey" means a storey of which the floor is at a lower level than the floor of any other storey having a wall common to both storeys whether there is a storey directly over such lowest storey or not:

The expression "topmost storey" means the uppermost storey in any building whether constructed wholly or partly in the roof or not and whether used or constructed or adapted for human habitation or not:

The expression "base" applied to a wall or pier means that part of the wall or pier which rests immediately upon the footings:

The expression "foundation" means the artificial formation bed or substructure upon which the footings of any wall or pier or the base of any storey-post or column rest or are supported:

The expression "party wall" means (*a*) the whole or any part of any wall forming part of any building and used or intended constructed or legally liable to be used as a common means of separation inclosure or support of adjoining buildings belonging to separate owners or separately occupied or intended constructed or adapted to be separately occupied by different persons or (*b*) the whole or any part of any wall standing as to its thickness over or upon the boundary line dividing two separate plots of ground belonging to separate owners provided that if only the footings projecting on one side of such wall stand upon such boundary line then such wall shall not be therefore deemed a party wall:

The expression "separate side wall" means the whole or any part of any wall (not being a party wall) belonging entirely to one owner and separating or inclosing any building or part thereof or any ground not built on from any other building or wall or from vacant ground on which a building or wall may lawfully be erected:

The expression "external wall" means any outer wall of any building not being a party wall or a separate side wall:

The expression "cross wall" means any internal wall built in connexion with any external wall party wall or separate side wall:

The expression "new" applied to a street or building or structure designates a street or building or structure begun to be laid out made built rebuilt or constructed after the passing of this Act:

The expression "old" applied to a street or building or structure designates a street or building or structure begun to be laid out made built or constructed before the passing of this Act:

The expression "building line" means the line to which the main outer face of an external wall of any building abutting upon any street has been built or can be built without encroaching (in any part of its height) upon the existing or required or intended available width of such street:

The expression "available width" applied to any street means the whole width used or intended to be used for purposes of public traffic in such street exclusive of any gardens forecourts or enclosed areas:

Terms to which a meaning is assigned by any of the Acts incorporated herewith have in this Act (unless the context otherwise requires) the same respective meanings Provided that the expression "superior courts" or "court of competent jurisdiction" or any like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Execution of Act by council.

5. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council and in accordance with the public general statutes and Local Acts and laws from time to time in force and relating to the Corporation and their council and their committees agents officers and servants and applicable for the purposes of this Act and as nearly as possible as if the purposes of this Act were purposes of the Municipal Corporation Acts.

PART II.

Street Improvements.

Widening and improvement of George's Dock Gates and Everton Road.

6. The Corporation are hereby authorised to make and maintain in the lines and on the lands in that behalf delineated and described in the deposited plans and book of reference and according to the levels shown on the deposited sections the following street improvements and works (that is to say):

1. A widening and improvement of the street called George's Dock Gates on the east side thereof between Water Street and Chapel Street including the construction of an underground passage under George's Dock Gates to and from the pier head with approaches to such passage from Chapel Street and Water Street respectively and with all other necessary approaches junctions works and conveniences:
2. A widening and improvement of Everton Road on the south-west side thereof between Village Street and Lytton Street and between Bright Street and Cobden Street and on the east side thereof between Deacon Street and West Derby Road with all necessary approaches junctions works and conveniences.

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Revival of powers for purchase of certain lands.

7. The powers granted to the Corporation by the Liverpool (Lands) Order 1878 for the compulsory purchase of certain lands in the parish of Liverpool lying on the south-west side of Cumberland Street by the said order authorised to be acquired for the purposes of the new street in continuation of Stanley Street from Victoria Street to Whitechapel and which are delineated on the deposited plans and described in the deposited book of reference relating thereto are hereby revived and continued and may be exercised until but not after the expiration of the period of one year from the passing of this Act and the prescribed period for the purposes of section one hundred and twenty-seven of the Lands Clauses Consolidation Act 1845 shall be ten years from the passing of this Act.

Power to deviate.

8. In making the said improvements and works the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and may also deviate from the levels shown on the deposited sections to any extent not exceeding five feet :

Provided that as regards that portion of the underground passage which is to be constructed under the street called George's Dock Gates and the covered incline or approach thereto from the westward the Corporation shall not without the written consent of the Mersey Docks and Harbour Board deviate laterally more than two feet to the northward and two feet to the southward of the dotted lines showing the proposed position of such portion of the underground passage and of the said covered incline or approach thereto in the deposited plans.

Provision for removal and interment of bodies interred in a portion of burial ground adjoining Saint Nicholas's Church.

9. And whereas it is proposed to appropriate for the purposes of the said improvement of George's Dock Gates a portion of the lands and premises forming the burial ground adjoining Saint Nicholas's Church in the parish of Liverpool which burial ground has by an Order in Council dated the seventh day of April one thousand eight hundred and fifty-four been discontinued as a place of interment and it is expedient that provision should be made for the proper and decent removal and re-interment of any body which may have been interred in the portion of the said burial ground so proposed to be appropriated or which may have been interred in any grave or vault interfered with in the execution of the said improvement and works therefore the following enactments are hereby made :

(1) It shall be lawful for the heirs executors or administrators or relatives of any deceased person whose body shall have been interred in the said portion of the said burial ground or in any such grave or vault as aforesaid (subject however to the regulations

of the Lord Bishop of Liverpool for the time being) to cause such body without any faculty for that purpose to be removed to and interred in any consecrated burial ground in which burials may legally take place or the heirs executors administrators or relatives of any such deceased person shall be at liberty if they so desire to remove the body of any deceased person so interred as aforesaid to unconsecrated ground in any cemetery:

(2) The expense of such removing and interment not exceeding in any one case the sum of ten pounds shall be defrayed by the Corporation:

(3) The remains of such persons as shall have been interred in the said portion of the said burial ground or in any such grave or vault as aforesaid which shall not be so removed or carried away shall be removed by and at the expense of the Corporation and be interred in such manner as the said bishop or such person as he shall appoint shall direct:

(4) The removal of remains shall in all cases be carried out under the supervision and to the satisfaction of the medical officer of health of the city of Liverpool.

Owners may be required to sell parts only of certain lands and buildings.

10. And whereas it may happen that portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the said improvement of Everton Road and that such portions may be severed from the remainder of the said properties without material detriment thereto therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands and buildings numbered on the deposited plans 1 to 20 both inclusive 23 24 25 27 to 33 both inclusive and 51 all in the parish of Walton-on-the-Hill whereof portions only may be required for the purposes of the said improvement may (if such portions can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Power to stop up Back Brownlow Street Berwick Place and Dover Street.

11. (1) Subject as herein-after mentioned the Corporation may at any time after the passing of this Act cause Back Brownlow Street Berwick Place and Dover Street between Brownlow Street and Ashton Street or any of them as the same are respectively delineated and described in the deposited plans and book of reference

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to be respectively stopped up and discontinued as public highways and thereupon the same shall cease to be public highways and all rights of passing or repassing along the same shall be absolutely extinguished and so soon as the Corporation have acquired the land on both sides of Berwick Place the site and soil thereof shall vest absolutely in the Corporation freed from all such rights and may be dealt with and disposed of by the Corporation as any other lands acquired by them under this Act:

(2) As respects Dover Street and Back Brownlow Street the powers of this section shall only be exercised by the Corporation with the written consent of the trustees of the Liverpool Royal Infirmary and on such terms and conditions as may be agreed between the Corporation and such trustees and the trustees may as part of such terms and conditions agree and undertake to pay out of any funds in their hands or at their disposal not subject to any trusts or out of any fund raised by subscription any moneys or costs which may become payable by the Corporation in respect of injuriously affecting any lands by the stopping up of the said street called Dover Street:

(3) The site and soil of Dover Street and Back Brownlow Street shall on their being stopped up vest in the owners or lessees of the lands immediately adjoining such streets on either side thereof according to the extent of frontage of such lands respectively and up to the centre of such streets and for the same estate and interest as such owners or lessees have respectively in the lands adjoining as aforesaid:

(4) If any property of the said trustees be injuriously affected by the stopping up of Berwick Place the said trustees shall be entitled to compensation in respect thereof to be determined in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845.

Power to alter and divert sewers &c.

12. The Corporation from time to time may alter and divert either temporarily or permanently all sewers mains and pipes in the city which they find it necessary or convenient for any of the purposes of this Act so to interfere with making to all persons who sustain any damage thereby compensation in that behalf the compensation if not settled by agreement to be ascertained apportioned and recovered under the Lands Clauses Consolidation Act 1845 as in cases of disputed compensation for lands.

For protection of the Liverpool United Gaslight Company.

13. The following provisions for the protection of the Liverpool United Gaslight Company (herein-after called "the Liverpool Gas Company") shall be observed and have effect:—

(1) Before removing or displacing any main pipe plug or other work of the Liverpool Gas Company or doing anything which

may cause any impediment to the passage of gas through any of the said mains or pipes the Corporation shall at their own expense in all things provide and lay in lieu thereof and ready for use good and sufficient mains pipes plugs and other works proper and sufficient for continuing the supply of gas as sufficiently and satisfactorily as the same was supplied by the mains or pipes proposed to be removed or displaced and all such mains pipes and other works shall be laid and done under the superintendence and control and to the reasonable satisfaction of the Liverpool Gas Company's engineer and in such places position and manner in all respects as he shall require and approve and all such substituted mains pipes and other works shall belong to and be and become the absolute property of the Liverpool Gas Company and the engineer and other officers servants and workmen of the Liverpool Gas Company shall at all times have and be entitled to free access to such of the said mains pipes and other works as may be on the premises of the Corporation for the purpose of examining repairing altering or removing the same or for any other lawful purpose:

(2) The Corporation shall make good all damage which may be done to any mains pipes works or other property of the Liverpool Gas Company and shall save them harmless from all expenses loss or damage to be occasioned by or by reason of the works authorised by this Act and shall make full compensation to the Liverpool Gas Company and to all other persons for any loss or damage which they respectively may sustain by reason of any interference with or disturbance of the said mains pipes or other works or with the private service pipes of any person or persons supplied with gas by the Liverpool Gas Company:

(3) The Corporation shall not remove or interfere with any main pipe or other work of the Liverpool Gas Company until they shall have given their engineer fourteen days previous notice in writing of their intention so to do specifying all necessary particulars relating thereto nor until the Liverpool Gas Company shall have signified their approval of the same unless they do not signify such approval or their disapproval or other directions within fourteen days after service of the said notice and particulars and the Corporation shall comply with and conform to all reasonable requirements directions and regulations of the Liverpool Gas Company in the execution of the said works and shall provide in such manner as the Liverpool Gas Company shall reasonably require for the protection of and prevention of injury or impediment to the mains pipes and other works of the Liverpool Gas Company.

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Power to apply moneys authorised to be raised under Improvement Act 1867 for purposes of Improvement Act 1878.

14. The Corporation may from time to time raise in manner provided by this Act any moneys which they are authorised to raise under section seventy-two of the Liverpool Improvement Act 1867 and which they have not raised and shall appropriate and apply the same and any moneys already raised under that section and not expended to the execution of the purposes of the Liverpool Improvement Act 1878 Provided that the total sum raised or appropriated and applied under this section shall not exceed seventy-five thousand pounds.

PART III.

University College Liverpool.

Power to appropriate land for purposes of Liverpool University College.

15. (1) The Corporation are hereby authorised to appropriate such of the lands to be acquired by them under the powers of this Act and situate on the north side of Brownlow Hill as they see fit for the purposes of the College and to take down or alter buildings thereon and lay out and otherwise deal with those lands as they deem most for the advantage of the College and also to convey any interest in or powers of managing or dealing with the same to the College Provided that in the event of the College ceasing to be carried on as a place of higher education or being removed to another site then and in either of such events all lands and premises appropriated under the powers of this Act for the purposes of the College shall on the Corporation executing under their seal a declaration to the above effect by virtue of this Act revert to and become the absolute property of the Corporation freed from all trusts liens powers and provisions in favour of the College Provided further that in the event of such removal as aforesaid to a site in or near Liverpool to be approved by the Corporation the Corporation shall pay to the College out of moneys which they are empowered to invest in real estate such sum not exceeding thirty thousand pounds as shall be certified under the hand of the land steward and surveyor of the Corporation to be the value to the Corporation of the said lands and premises together with any buildings which may have been erected thereon provided that if such value be certified to exceed thirty thousand pounds the lands and premises shall not revert to the Corporation but may be sold and disposed of by and for the benefit of the College :

(2) The sum of thirty thousand pounds authorised to be borrowed by the Corporation for the purchase of land for and other purposes of the College shall be expended by the Corporation in the first instance in acquiring the reversions of the leases or other interest of the Corporation in the lands comprised within the area which lies between Brownlow Street and Back Brownlow Street and such

of the leasehold interests in those lands as the Corporation think it desirable to acquire and subject thereto generally in carrying into effect the purposes of this Act which relate to the College. A.D. 1882.

Power to deal with land not required or ceasing to be used for College purposes.

16. (1) The Corporation in their discretion may from time to time cause such of the lands acquired by them under this Act for purposes of the proposed College as are not appropriated for such purposes or any part thereof to be formed laid out and maintained as an open space or recreation ground for the public or they may demise such lands or any part thereof for any term or may permit the same to be occupied by the trustees of the Liverpool Royal Infirmary or by the owners or occupiers of the School of Medicine as part of their respective premises :

(2) Any lands formed and laid out as aforesaid shall to such extent as may be declared by the Corporation by public notices posted at or near the same be deemed to all intents and purposes one of the parks of the Corporation and shall be maintained out of any rate or rates applicable to the maintenance of public parks by the Corporation and the Corporation may from time to time by order apply to such open space or recreation ground and to persons resorting thereto all or any of the enactments byelaws and regulations for the time being applicable to the public parks of the Corporation and to persons resorting thereto and the enactments byelaws and regulations specified or referred to in any such order shall apply accordingly subject to repeal or alteration by any subsequent order of the Corporation which they are hereby authorised from time to time to make :

(3) In the event of any extension of the College the Corporation may if they see fit appropriate for the purposes of such extension any lands which may have been laid out as an open space or recreation ground under this section as freely and effectually as if such lands had not been so laid out and may do all acts and things necessary or proper for giving effect to this subsection.

PART IV.

Provisions as to Buildings and Streets.

Commencement of Part IV of Act.

17. This part of this Act shall come into operation on the first day of January one thousand eight hundred and eighty-three and not before and that date is herein-after referred to as the commencement of Part IV of this Act.

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Exemptions.

18. The following buildings and structures shall be exempt from the operation of the provisions of this part of this Act relating to buildings and structures (that is to say):

1. Every building (not being a dwelling-house) or bridge or tunnel or wall or other structure or work in the possession of and used or intended to be used for the purpose of any railway company canal company or gas company under the provisions of any Act of Parliament:
2. Every building or wall or other structure or work in the possession of Her Majesty her heirs and successors or used or intended to be used for Her Majesty's service such as those comprised in prisons barracks naval or military stores custom offices telegraph offices or law courts:
3. Every building or wall or other structure or work comprised in any public lunatic asylum workhouse infirmary or hospital which is maintained or supported by public rates:
4. Every building (not being a dwelling-house) or bridge or wall or other structure or work in the possession or control of and situate on the estate of the Mersey Docks and Harbour Board.

Repeal of certain provisions of Building and Improvement Acts of 1842.

19. (1) The sections and parts of sections of the Liverpool Building Act 1842 and of the Liverpool Improvement Act 1842 which are specified or referred to in Schedule (D) to this Act and the schedules to the said Building Act marked (A) and (B) are hereby repealed:

But this repeal does not affect anything duly done or suffered under any of the said sections and schedules hereby repealed or any proceeding or cause of proceeding or liability pending or existing at the time of the passing of this Act and any such proceeding or liability may be continued commenced carried on and enforced in all respects as if this Act had not been passed:

(2) The unrepealed provisions of the Liverpool Building Act 1842 shall be construed together with this Act as one Act provided that where there is any inconsistency the provisions of this Act shall prevail.

Substitution of schedules to this Act for Schedules (A) and (B) of Building Act 1842.

20. (1) The schedules to this Act marked (A) and (B) are hereby respectively substituted for the schedules marked respectively (A) and (B) to the Liverpool Building Act 1842 and shall apply to all work begun after the commencement of Part IV of this Act:

(2) References in the said Building Act of 1842 and in any other Act order or byelaw to the said repealed schedules shall as regards

all work begun after the commencement of Part IV of this Act be construed to refer respectively to the schedules by this Act respectively substituted for the said schedules by this Act repealed.

What to be deemed the erection of a new dwelling house.

21. The conversion into a dwelling-house of any building not previously constructed as a dwelling-house or of any building originally constructed as a dwelling-house and subsequently occupied and used entirely for other purposes or the division or conversion into more than one dwelling-house of any building originally constructed as one dwelling-house only shall be deemed for the purposes of this Act and of any other Act order or byelaw in force within the city to be the erection of a new dwelling-house or dwelling-houses and in cases of division or conversion of a building into more than one dwelling-house the Corporation shall determine which (if any) one of the houses formed out of the previously existing house shall be deemed to be the old or original dwelling-house.

Restrictions on occupying new building as dwelling-house.

22. (1) It shall not be lawful without the written consent of the Corporation to occupy or to permit to be occupied as a dwelling-house any new building or any building which has been converted into a dwelling-house unless the same is in all respects in accordance with the requirements relating to dwelling-houses of this Act and of any other Act order or byelaw in force within the city:

(2) The Corporation may in any case where they deem it expedient consent to the occupation of any room or building as a dwelling-house by the keeper or servants of any offices business premises or other building although such room or building is not in all respects in accordance with the requirements relating to dwelling-houses of this Act and of any other Act order or byelaw in force within the city:

(3) Any consent under this section may be given by the Corporation subject to such terms and conditions as they may deem expedient:

(4) Any person who occupies or permits to be occupied as a dwelling-house any room or building in contravention of any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which the offence continues after conviction thereof.

Offensive matter to be removed from sites of buildings.

23. (1) No building or part thereof shall be begun to be built or rebuilt on any site which has been filled up with any material mixed or impregnated with any fæcal or animal or vegetable matter or any

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other material which is offensive or injurious to health or on any site on which any such material or matter has been deposited unless and until the same has been thoroughly removed from such site or such site has been entirely covered by a sufficient layer of good concrete or other suitable material to the satisfaction of the building surveyor:

(2) In this section the word "site" includes the whole space between the surface of the ground which any building is intended to occupy or cover and the level of the bottom of the foundations or if there are no foundations then the level of two feet below the base of the walls.

Every new building to have a solid foundation.

24. (1) Every new wall pier and chimney of any building shall rest upon proper footings of brick or stone or concrete or upon level rock or upon a sufficient arch beam lintel or other suitable support resting upon proper walls or piers and such footings shall be in all respects in accordance with the regulations as to footings contained in Schedule (C) to this Act:

(2) If such footings are of brick or stone they shall stand on solid ground or on a layer of good hard solid damp-proof concrete at least as thick and as broad as the footings or on some other solid and sufficient substructure as a foundation.

Damp-proof courses.

25. (1) Every new wall in the basement storey or the ground storey of any public building or domestic building shall have a damp-proof course of asphalte or of slates laid in cement or of sheet lead or of other durable material impervious to moisture extending throughout the length and breadth of such wall at or near the level of the base thereof.

(2) Such damp-proof course or another similar damp-proof course shall extend throughout the length and breadth of such wall at a height of at least four inches above the surface of the external ground adjoining such wall:

(3) Provided that in the case of a wall having a continuous vertical cavity formed in the thickness thereof such last-mentioned damp-proof course shall not be required.

Regulations as to construction of walls piers and chimneys of buildings.

26. (1) Every part of every wall pier and chimney of any new building and every new part of every wall pier and chimney of any old building shall be constructed of—

(a) Good sound well-burnt bricks tiles or terra-cotta; or of

(b) Good sound suitable building stone; or of

(c) Good hard solid damp-proof concrete; or of

(d) Good sound cast or malleable iron; or of

(e) Other hard and incombustible materials:

(2) The bricks tiles terra-cotta and stones used in the construction of every such wall pier or chimney or new part thereof as aforesaid shall be properly bonded and solidly put together with

(a) Good mortar well compounded of not less than one part of good fresh-burnt lime and not more than three parts of clean sharp sand or other like and suitable material; or with

(b) Cement such as good Portland cement or other cement of approved quality; or with

(c) Cement such as good Portland cement mixed with clean sharp sand in the proportion of not more than four parts of sand to one part of cement:

(3) The concrete used in the construction of every such wall pier or chimney or new part thereof as aforesaid shall be well compounded of good cement such as good Portland cement and

(a) Clean gravel; or

(b) Good hard broken stone; or

(c) Good hard broken bricks; or

(d) Other like and suitable materials:

and such ingredients of such concrete shall be of such quality and in such proportion to each other as shall be satisfactory to the building surveyor and the whole of such concrete shall be mixed laid set and compacted to the satisfaction of the building surveyor:

(4) The cast or malleable iron used in the construction of every such wall pier or chimney or new part thereof as aforesaid shall be of good quality without flaw or defect and shall be of sufficient strength:

(5) Every storey-post column standard stanchion beam girder bressummer joist or other member forming or being part of any such wall or pier as aforesaid shall be firmly and truly laid on a sufficient foundation rest seat or bearing and shall be securely fixed and attached to the other members of the structure in a workmanlike manner and the whole of the work shall be done to the satisfaction of the building surveyor:

(6) Provided that any partition or internal wall not used or intended to be used to support any floor or roof may be constructed of wooden quartering or studding filled in with brickwork or covered with boards or with laths and plaster in the manner now usually adopted or may be constructed in any other manner satisfactory to the building surveyor:

(7) Provided also that notwithstanding anything in this section contained the materials to be used in any party wall or separate side wall shall be no other than those which are prescribed by the Liverpool Building Act 1842 or by any other Act for the time being in force in the city for party walls and separate side walls.

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Restrictions on use of wood and timber in external walls.

27. (1) No wood or timber shall be used placed or built in or about any external wall or pier of any new building or in any new part of any external wall or pier of any old building except—

(a) Such internal woodwork or timber as the building surveyor may deem necessary in and for wall-plates pole-plates bond-timbers lintels plugs nogs door frames window frames and internal casings fittings or finishings or in and for the ends of joists partition-heads purlins trusses beams girders and bressummers and except

(b) Such additional and external woodwork as the Corporation on written application being made to them may allow to be placed or fixed against or in the external face of such wall or pier and except

(c) Such additional and external woodwork as the building surveyor may deem reasonable or necessary in and for the casing of any jamb pilaster cornice or other portion of any bay window or of the front of any shop for the sale of goods by retail and being in the ground storey of any building and except

(d) Such wood or timber as is necessary in and for any bressummer or girder spanning any opening exceeding six feet in length in any external wall of any building:

(2) No such wood or timber or woodwork shall extend into any such wall or pier to a greater distance than four-and-a-half inches without the permission of the building surveyor Provided that nothing in this section contained shall prevent or limit the operation of the provisions of this Act with respect to the hold or bearing of beams on walls or piers:

(3) Every such wall-plate bond-timber lintel door frame or window frame shall be situate placed or fixed at a distance of at least four-and-a-half inches from the external face of such wall or pier:

(4) Provided that any frame of a loop-hole or pitching-hole and any frame of a loading door and any frame of a door or window of any shop for the sale of goods by retail and being in the ground storey of any building and any frame of a stable door opening outwards into a private yard or passage may be situate placed or fixed in line with the external face of any such wall or pier as aforesaid.

Restrictions on openings in external walls.

28. (1) Whenever any external wall of any building is constructed of brick or stone or concrete it shall not be lawful without the written consent of the Corporation (except as herein-after mentioned) to make or leave in such wall in any storey any opening or

openings which taken singly or together exceed in length five sixths of the total length of such wall in such storey:

(2) The length of the remaining solid portions forming one sixth of the length of such wall may nevertheless without such consent as aforesaid be still further reduced if the thickness of such portions is proportionately increased over and above the thickness specified for such wall in Schedule (A) to this Act so that the horizontal sectional area of such portions be not diminished but such increase of thickness shall in no case be reckoned to a greater extent than one half of the thickness specified in such schedule:

(3) Whenever any opening is made or left in or at any external corner or angle of two such external walls making with each other an internal angle of not more than a hundred and thirty-five degrees then the brick or stone piers or iron pillars which are nearest to such external corner or angle shall not be at a greater distance therefrom than four feet without the written consent of the Corporation:

(4) In every case such piers or pillars shall be of such size and strength and shall be constructed or fixed in such manner as is satisfactory to the building surveyor:

(5) Any consent under this section may be given by the Corporation subject to such terms and conditions as they may deem expedient.

Regulations for support of walls over openings left in external walls.

29. Whenever any opening is made or left in any such external wall as aforesaid the wall or portion of wall over such opening shall be supported in accordance with the following regulations (that is to say):

(i) When such opening does not exceed six feet in width (*a*) by a sufficient and properly constructed arch of brick or stone with sufficient abutments or (*b*) by a lintel of iron or stone of sufficient strength:

(ii) When such opening exceeds six feet and does not exceed ten feet in width (*a*) by a sufficient and properly constructed arch of brick or stone with sufficient abutments or (*b*) by a beam girder or bressummer of wood or (*c*) by a beam girder or bressummer of wood trussed or flitched with iron or (*d*) by a beam girder or bressummer of iron in each case of sufficient strength:

(iii) When such opening exceeds ten feet and does not exceed fifteen feet in width (*a*) by a sufficient and properly constructed arch of brick or stone with sufficient abutments or (*b*) by a beam girder or bressummer of wood partly supported by sufficient iron storey-posts not more than ten feet apart from each

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other or from the sides of the opening or (*c*) by a beam girder or bressummer of wood trussed or flitched with iron or (*d*) by a beam girder or bressummer of iron in each case of sufficient strength :

(iv) When such opening exceeds fifteen feet in width (*a*) by a beam girder or bressummer of wood partly supported by sufficient iron storey-posts not more than ten feet apart from each other or from the sides of the opening or (*b*) by a beam girder or bressummer of wood trussed or flitched with iron and partly supported by sufficient iron storey-posts not more than fifteen feet apart from each other or from the sides of the opening or (*c*) by a beam girder or bressummer of iron in each case of sufficient strength :

(v) Provided that where the wall to be supported over an opening exceeding ten feet in width is not an external wall of any building but only a fence parapet or balustrade wall then such beam girder or bressummer of wood aforesaid need not be partly supported by iron storey-posts as aforesaid :

(vi) Every arch lintel beam girder or bressummer and the external wall or portion thereof over the same shall be and shall be constructed placed and supported to the satisfaction of the building surveyor :

(vii) In every case in which any such wall shall not be so supported to the satisfaction of the building surveyor such wall shall be considered as having been built contrary to the foregoing regulations.

Regulations as to beams in walls &c.

30. (1). Each end of every beam girder or bressummer supporting any wall pier chimney floor roof or other part of any new building or supporting any new wall pier chimney floor roof or other new part of any old building shall have in addition to its hold or bearing upon any wall not more than nine inches in thickness a hold or bearing of at least four-and-a-half inches in the direction of its length on a sufficient pier or corbel of brick or stone or on a sufficient iron storey-post iron standard stanchion or bracket resting truly upon a solid and sufficient foundation :

(2) Each end of every such beam girder or bressummer resting upon any wall or pier shall be borne by a pad or template of stone iron terra-cotta or vitrified stoneware of sufficient length and thickness extending into at least half the thickness of such wall or pier and to the satisfaction of the building surveyor :

(3) Every such beam girder or bressummer shall be of sufficient strength and shall be of equal breadth with the wall or pier which rests upon it and shall be constructed placed and fixed to the satisfaction of the building surveyor :

(4) Every storey-post column pier corbel standard stanchion or bracket placed or used in support of any such beam girder or bressummer or in support of any wall pier or chimney shall be of sufficient strength and shall be placed and fixed to the satisfaction of the building surveyor:

(5) Every iron storey-post or column and every iron standard or stanchion placed or used in support of any such beam girder or bressummer or in support of any wall pier or chimney shall have proper iron caps and bases truly fitted and the bases shall rest upon a solid and sufficient foundation.

Recesses in external walls.

31. No recess shall be made or left in any external wall of any new building, or in any new part of any such wall of any old building unless such recess is in accordance with the regulations with respect to recesses contained in Schedule (C) to this Act.

If not carried above roof party walls &c. are to be lined up to slates.

32. Every party-wall and separate side wall of any new building and every new party-wall and separate side wall of any old building shall be carried up to the roof of such building throughout the entire length of such wall and shall be well and closely lined up to the under side of the slates or other covering of such roof or shall be carried up above such roof.

Adjoining walls to be bonded together.

33. Every new wall and pier and every new part of every old wall and pier when constructed of brick stone or concrete and built at an angle with an adjoining wall to which it may lawfully be attached shall be properly bonded and incorporated therewith.

Wooden buildings.

34. (1) Nothing in this Act contained with regard to the nature and size of the materials to be used in the construction of buildings shall prevent the erection under the conditions in this section hereinafter named of (*a*) any frame building having sides consisting of wooden framing filled in or covered with glass or iron or other incombustible material and having a roof of like construction and material or (*b*) any wooden building having sides consisting of wooden posts or open framing filled in or covered with boards of wood and having a roof entirely covered with incombustible material and being detached from any other building by a distance not less than the height of such wooden building:

(2) No such frame building or wooden building if more than ten feet in height from the ground to the eaves shall be begun to be constructed before correct plans and sections thereof have been deposited at the office of the building surveyor and have been approved by the Corporation:

(3) Every frame building shall be properly divided or separated from every adjoining and distinctly separate building by a party wall or separate side walls of such materials thickness and con-

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struction as are by any Act order or byelaw for the time being in force in the city required for other buildings and every frame building and wooden building shall be firmly and safely constructed to the satisfaction of the building surveyor:

(4) The Corporation shall have power to impose such terms and conditions as they think fit with regard to any frame building or wooden building and especially with regard to the time during which they will permit such building to be or continue in the place where it has been or is to be erected:

(5) If any frame building or wooden building having been erected by permission of the Corporation under such conditions as aforesaid is not removed within seven days after due notice has been given by the town clerk to the owner or builder or occupier thereof requiring him or them to remove the same or if at any time the distance between any such wooden building and any other building is less than the height of such wooden building then such frame building or wooden building shall be deemed to be erected contrary to the provisions of this Act.

Fireplaces of domestic buildings to have hearths of certain dimensions.

35. (1) Every fireplace-opening or chimney-opening in a domestic building shall have a sufficient hearth or horizontal slab of durable and incombustible material at the level of the floor extending throughout the length and depth of such opening and to a distance of at least eighteen inches beyond the face of the chimney breast and at least six inches beyond each side of the opening of the chimney-piece:

(2) Every such hearth shall be laid upon a bed of mortar concrete brick or other compact and incombustible material having a depth of at least six inches below the upper surface of the hearth and in no case shall the hearth be supported or rest on wood or timber.

Restrictions on projections and projecting buildings in streets.

36. (1) It shall not be lawful without the written consent of the Corporation to build or to bring forward the main outer face of any external wall beyond the building line in any street or to construct build make place or fix any projection beyond the building line in any street or over or upon the surface thereof except in accordance with the following regulations (that is to say):

(*a*) In any street having an available width of not more than thirty feet between the building lines the jambs pilasters or architraves of any doorway or window (including any bases or plinths of such jambs or pilasters) and any window in the ground storey of any shop for the sale of goods by retail (including any name-plate or signboard at or near the sill of such window) may project three inches and no more:

The cornice or string-course of any storey (such cornice or string-course being at least ten feet above the ground) may project fifteen inches and no more:

Any balcony or window-sill above the ground storey and any cornice or eaves of a bay window or oriel window above the ground storey may project eighteen inches and no more:

The body of any bay window or oriel window above the ground storey may project nine inches and no more:

(*b*) In any street having an available width of more than thirty feet and not more than forty feet between the building lines the jambs pilasters or architraves of any doorway or window (including any bases or plinths of such jambs or pilasters) and any window in the ground storey of any shop for the sale of goods by retail (including any name-plate or signboard at or near the sill of such window) may project four inches and no more:

The cornice or string-course of any storey (such cornice or string-course being at least ten feet above the ground) may project eighteen inches and no more:

Any balcony or window-sill above the ground storey and any cornice or eaves of a bay window or oriel window above the ground storey may project twenty-one inches and no more:

The body of any bay window or oriel window above the ground storey may project twelve inches and no more:

(*c*) In any street having an available width of more than forty feet and not more than fifty feet between the building lines the jambs pilasters or architraves of any doorway or window (including any bases or plinths of such jambs or pilasters) and any window in the ground storey of any shop for the sale of goods by retail (including any name-plate or signboard at or near the sill of such window) may project five inches and no more:

The cornice or string-course of any storey (such cornice or string-course being at least ten feet above the ground) may project twenty-one inches and no more:

Any balcony or window-sill above the ground storey and any cornice or eaves of a bay window or oriel window above the ground storey may project twenty-four inches and no more:

The body of any bay window or oriel window above the ground storey may project fifteen inches and no more:

(*d*) In any street having an available width of more than fifty feet and not more than sixty feet between the building lines the jambs pilasters or architraves of any doorway or window (including any bases or plinths of such jambs or pilasters) and any window in the ground storey of any shop for the sale of goods by retail (including any name-plate or signboard at or

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near the sill of such window) may project six inches and no more:

The cornice or string-course of any storey (such cornice or string-course being at least ten feet above the ground) may project twenty-four inches and no more:

Any balcony or window-sill above the ground storey and any cornice or eaves of a bay window or oriel window above the ground storey may project twenty-seven inches and no more:

The body of any bay window or oriel window above the ground storey may project eighteen inches and no more:

(*e*) In any street having an available width of more than sixty feet between the building lines the jambs pilasters or architraves of any doorway or window (including any bases or plinths of such jambs or pilasters) and any window in the ground storey of any shop for the sale of goods by retail (including any name-plate or signboard at or near the sill of such window) may project six inches and no more:

The cornice or string-course of any storey (such cornice or string-course being at least ten feet above the ground) may project twenty-four inches and no more:

Any balcony or window-sill above the ground storey and any cornice or eaves of a bay window or oriel window above the ground storey may project thirty inches and no more:

The body of any bay window or oriel window above the ground storey may project twenty-one inches and no more:

(*f*) The amount of the projection as aforesaid of any such jamb pilaster cornice string-course eaves balcony window-sill bay window or oriel window shall be measured to the outermost portion of the same:

(*g*) Every balcony and the body of every bay window or oriel window as aforesaid shall be placed at a distance from the middle of the nearest party wall not less than the distance to which such balcony or window projects:

(*h*) No such bay window or oriel window projecting as aforesaid shall extend upwards through more than one storey without the written consent of the Corporation nor shall any two such windows in any storey of the same building be at a less distance apart than twenty feet without the written consent of the Corporation:

(*i*) Water pipes small architectural dressings and sliding doors or gates may project three inches and no more in any street having an available width of not more than thirty feet and in any street having an available width of more than thirty feet they may project four inches and no more:

(2) Notwithstanding the foregoing provision as to the consent of the Corporation in no case shall the jambs pilasters or architraves of any doorway or window project beyond the building line in any street to a greater extent than one foot and in no case shall any bay window or oriel window as aforesaid project to a greater extent than two feet and in no case shall any balcony or window-sill or any cornice or eaves of a bay window or oriel window as aforesaid project to a greater extent than three feet:

Provided that in any case where the corner of any building at the junction of any two streets is cut off, or set back so as to increase the available width of such streets it shall be lawful for the Corporation to consent to the construction of any overhead projection at such corner:

(3) In any external wall of any building the faces of any two or more external jambs pilasters or columns which do not form the sides of any doorway or window or which extend throughout the height of more than one storey shall be deemed to be the main outer face of such external wall:

(4) Every projection beyond the main outer face of any external wall shall be constructed built made placed and fixed in every respect to the satisfaction of the building surveyor:

(5) It shall not be lawful without the written consent of the Corporation to construct place fix or hang any door shutter trap platform shoot sign cat-head crane hoist or other apparatus or thing in connexion with any building or structure so as to project over the surface of any street at any time or so as to allow any suspended load to hang over the surface of any street at any time:

(6) Any consent under this section may be given by the Corporation subject to such terms and conditions as they may deem expedient.

Proceedings on failure to comply with building regulations.

37. (1) In any case where any of the foregoing provisions requirements and regulations of this part of this Act or of any other Act for the time being in force within the city or of any of the provisions requirements and regulations of the Schedules (A) (B) or (C) to this Act are not duly complied with in regard to any building or structure the building surveyor may give notice of such default under his hand to the owner contractor or builder or other person by whose order or under whose superintendence the work is being executed:

(2) If the default is not remedied or begun to be remedied within forty-eight hours from the service of the notice such surveyor may give information thereof to any justice who shall issue his summons requiring such owner contractor builder or other

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person as aforesaid or all or any of them to appear before a court of summary jurisdiction:

(3) The court shall inquire into the truth of such information and if the court is of opinion that the alleged default has been committed it may make an order on such owner contractor builder or other person as aforesaid or all or any of them commanding him or them to remedy the default within a period prescribed by the order and for that purpose to execute and do any works or things specified in the order and to pay the expenses of laying the information and obtaining the conviction:

(4) In case such order is not obeyed within the period prescribed therein, such surveyor may give information thereof to any justice who shall issue his summons in like manner as aforesaid:

(5) The court by which the matter is heard shall inquire into the truth of such information and if it appears to the court that a copy of such order has been duly served and that such order has not been obeyed the court may impose on any or every person (whether one or more) on whom such order has been made a penalty not exceeding five pounds for every day during which such order has not been obeyed after the end of the period prescribed therein:

(6) In addition to or instead of imposing a penalty the court may make an order authorising the building surveyor to cause such building or structure or any part thereof to be taken down or demolished or to be altered or amended so as to be in accordance with the provisions and requirements aforesaid and requiring any or every person (whether one or more) who failed to comply with the first order to pay all the costs charges and expenses attendant on obtaining and making such second order and on such taking down demolishing altering or amending as aforesaid:

(7) Provided that notwithstanding anything in this section the building surveyor may take proceedings for the recovery of any penalty for neglecting to give any notice required by any Act order or byelaw in force in the city without having previously given notice of the offence to the person proceeded against.

Appeal to health committee in certain cases.

38. (1) Wherever by this part of this Act any building work or thing is required to be executed or done to the satisfaction of or in such manner as shall be approved by the building surveyor the person affected by the decision of the said surveyor shall have a right to appeal to the health committee of the Corporation on giving notice in writing to the town clerk within three days after receiving notice from the building surveyor that any building work or thing is not executed or done to his satisfaction or in such

manner as he approves and specifying in what respect such building work or thing is not to his satisfaction or is not approved by him and the health committee shall have power to determine what shall be sufficient to comply with the requirements of the Act in respect of which the appeal is made and the decision shall be final and conclusive on all parties :

(2) In any such case as aforesaid no information shall be laid or summons issued until after the expiration of the said period of three days nor in case notice of appeal shall be given until after the decision of the health committee thereon :

Protection from dangerous structures.

39. (1) Whenever any building or structure or any part thereof or any thing thereon or attached thereto or projecting therefrom or any ground is deemed by the building surveyor to be in a state or position whereby danger to any person is or may be occasioned such surveyor shall give notice under his hand to the owner or occupier of such building structure or ground or to both or either of them requiring such owner or occupier forthwith to effectually fence guard take down remove repair or secure the same to the satisfaction of such surveyor :

(2) In case the work of fencing guarding taking down removing repairing or securing such building or other structure or such part thereof or such thing thereon or attached thereto or projecting therefrom or such ground is not begun within forty-eight hours after the service of such notice as aforesaid or is not completed to the satisfaction of such surveyor as soon as the nature of the case admits it shall be lawful for such surveyor to give information thereof to any justice who shall thereupon issue his summons requiring such owner or occupier or both or either of them to appear before a court of summary jurisdiction :

(3) In case it appears to the court that immediate danger to any person from such building or other structure or part thereof or thing thereon as aforesaid or such ground is to be apprehended the court shall make an order authorising such surveyor to cause such building or other structure or part thereof or thing thereon as aforesaid or such ground to be forthwith effectually fenced guarded taken down removed repaired or secured :

(4) In case it appears to the court that danger to any person is to be apprehended but that such danger is not immediate the court shall make an order on such owner or occupier or both or either of them requiring him or them to cause such building or other structure or part thereof or thing thereon as aforesaid or such ground to be effectually fenced guarded taken down removed repaired or secured to the satisfaction of such surveyor within a period to be prescribed in such order :

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(5) In case such order is not obeyed within the period prescribed therein any and every person (whether one or more) on whom such order has been made shall be liable to a penalty not exceeding ten pounds for every day during which such order has not been obeyed after the end of the period prescribed therein:

(6) The building surveyor may at any time after the end of the period prescribed in such order cause such building or other structure or part thereof or thing thereon as aforesaid or such ground to be effectually fenced guarded taken down removed repaired or secured as required by such order and the person or persons on whom such order has been made shall in addition to such penalty pay all the costs charges and expenses attendant on the fencing guarding taking down removing repairing or securing of such building or other structure or part thereof or thing thereon as aforesaid or such ground:

(7) If the owner or occupier of any building or other structure or ground which the building surveyor has deemed to be in a dangerous state or position cannot be found or does not appear after service of notice and summons as herein-before provided it shall be lawful for the court having cognizance of the matter to make an order authorising such surveyor to cause such building or other structure or part thereof or thing thereon as aforesaid or such ground to be forthwith effectually fenced guarded taken down removed repaired or secured and the costs charges and expenses thereof shall be paid by such owner or occupier as aforesaid.

Power of surveyor to act in cases of immediate danger.

40. Notwithstanding anything in the foregoing provisions of this Act it shall be lawful for the building surveyor without previous notice to any person and without any order of any court or justice in any case where immediate danger to any person is apprehended by him to take such prompt and reasonable measures as he deems expedient for the prevention of injury to any person by effectually fencing guarding taking down removing repairing or securing any dangerous building or other structure or part thereof or anything attached thereto or projecting therefrom or any ground whereby in his opinion immediate danger to any person is occasioned and all the costs charges and expenses attendant thereon shall be paid by the owner of such building or other structure or such ground.

Power to sell materials of dangerous structures.

41. Where a dangerous building or structure is taken down or removed by the Corporation under the powers of this Act the Corporation may sell the materials thereof or part of them and shall apply the proceeds of the sale in or towards payment of the costs and expenses incurred by them in relation to such building or structure restoring on demand the surplus (if any) to the owner of such building or structure.

Safety of platforms erected or used on public occasions.

42. Whenever large numbers of persons are likely to assemble on occasion of any public procession open-air meeting or other like occasion every building or platform or other structure or part thereof let or used or intended to be let or used for the purpose of affording sitting or standing accommodation for a number of persons shall be safely constructed or secured to the satisfaction of the building surveyor and unless it is so constructed or secured the sections of this Act whereof the respective marginal notes are—

Protection from dangerous structures;

Power of surveyor to act in cases of immediate danger;

Power to sell materials of dangerous structures;

shall be applicable to such building platform or other structure and may be put in force accordingly.

Prevention of overloading warehouses.

43. (1) On any representation to the building surveyor that danger to any person exists or is likely to arise by reason of the excessive quantity or weight of the goods or materials placed on any floor in any warehouse or building such surveyor may enter and inspect the premises and may if he considers the representation well founded give notice under his hand to the occupier of such building or to the owner of such goods or materials requiring him to reduce the quantity or weight of such goods or materials or to secure such floor or other portion of such building to the satisfaction of such surveyor within a period of forty-eight hours after the service of such notice:

(2) In case the quantity or weight of such goods or materials aforesaid is not so reduced or such floor or other portion of such building is not so secured within the period aforesaid the sections of this Act whereof the respective marginal notes are:

Protection from dangerous structures;

Power of surveyor to act in cases of immediate danger;

Power to sell materials of dangerous structures;

shall be applicable to such floor or other portion of such building and may be put in force accordingly.

Power to dispense with requirements of Fire Prevention Acts in certain cases

44. (1) On the application of the owner of or of any person interested in any warehouse or intended warehouse in the city other than a warehouse used or intended to be used for any of the dangerous trades or businesses or for storage of any of the dangerous merchandise goods or articles specified in the Fire Prevention Acts or a warehouse intended to be continued or placed on the registry kept under the Fire Prevention Acts the police magistrate of the city with the consent of the committee for the preservation of property from fire appointed under the Fire Prevention Acts (which consent the said committee are hereby empowered to give

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subject to such terms and conditions as they may think fit) may by an order under his hand modify or dispense with such of the regulations and restrictions contained in the said Acts and hereinafter mentioned as may be specified or referred to in the order—

(a) All or any of the provisions of section three of the Act of 1843:

(b) The restrictions as to "area" contained in section six of the Act of 1843 and in regulations 1 3 and 4 of Schedule (A) of the Act of 1844:

(c) The regulations as to distance of warehouses from dangerous trades contained in section thirty-three of the Act of 1843:

(d) The regulations as to parapet walls doors door frames window shutters and window frames contained in section thirty-five of the Act of 1843 and in section twenty-one of the Act of 1844 and in regulations 9 16 17 18 19 21 and 22 of Schedule (A) of the Act of 1844:

(e) The regulations as to apertures for ventilation contained in section twenty of the Act of 1844:

(f) The regulations as to thickness of party walls contained in regulation 8 of Schedule (A) of the Act of 1844:

(g) The regulations as to staircase walls contained in regulation 24 of Schedule (A) of the Act of 1844:

(2) A copy of any order so made shall be delivered to the owner or other person interested in the warehouse or intended warehouse and thereupon the regulations and restrictions of the said Acts specified or referred to therein shall cease to apply or be enforceable with respect to such warehouse or intended warehouse:

(3) Any such order shall continue in force so long only as the warehouse is not used for any of the dangerous trades or businesses or for storage of any of the dangerous merchandise goods or articles aforesaid.

As to registry of warehouses.

45. Nothing in the Fire Prevention Acts shall be deemed to render it compulsory on the Corporation to cause to be published the registry mentioned in section forty of the Liverpool Fire Prevention Act 1843 but nothing in this section shall affect the power of the Corporation to cause the same to be published if they see fit.

Regulation of areas coal shoots &c.

46. It shall not be lawful to construct or cause to be constructed in or under the footway of any street any area or coal shoot or similar convenience communicating with the surface of such footway for purposes of light or ventilation or for any other purpose without the written consent of the Corporation which consent they are hereby empowered to give on such terms and conditions as to

the proper maintenance or materials of such area coal shoot or other convenience and otherwise as they may in each case see fit: A.D. 1882.

Any person who constructs or causes to be constructed any such area coal shoot or convenience in contravention of this section shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which the contravention or failure continues after written notice thereof from the Corporation.

Power of Corporation to disapprove plans &c. of streets under 17 & 18 Vict. c. xv.

47. If the Corporation disapprove of the proposed size width or direction or position relatively to the nearest streets of any new street as shown on the plan thereof deposited under the Liverpool Sanitary Amendment Act 1854 they shall within thirty days after delivery or deposit of such plan to or at the office of the city engineer give notice to the person delivering or depositing such plan of the particulars of such disapproval and of the requirements of the Corporation in respect of the size width or direction or position as aforesaid of the proposed street and in the event of such notice of disapproval being given it shall not be lawful to begin to make or lay out the new street until an amended or new plan thereof has been delivered or deposited as aforesaid and approved by the Corporation:

Any person who begins to make or lay out any new street in contravention of the above enactment or who without the written consent of the Corporation deviates from any approved plan shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding forty shillings for every day during which the offence is continued after written notice thereof from the Corporation:

Provided that if within thirty days after receiving notice of the requirements of the Corporation and before proceeding further in the matter the person delivering or depositing such plan gives written notice to the Corporation alleging that he will sustain loss or damage by the decision of the Corporation under this section and claiming compensation from the Corporation in respect thereof the Corporation may either waive or insist on their requirements as they see fit and in the latter event any claim for compensation shall in default of agreement between such person and the Corporation be referred to and settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 In any such reference the arbitrator or arbitrators and umpire shall have regard to any increased value which will in his or their opinion be given to any property of such owner by reason of the execution of the requirements of the Corporation and any such reference may on the

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application of either party to the reference be made a rule of Her Majesty's High Court of Justice.

As to consent of Corporation.

48. Where under any of the recited Acts or this part of this Act the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions 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.

PART V.

Lands.

Power to acquire lands for purposes of Act.

49. Subject to the provisions and for the purposes of this Act the Corporation may from time to time enter on purchase take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference but they shall not be entitled to acquire otherwise than by agreement the lands situate in the parish of Liverpool which are numbered 81 82 83 84 and 85B on the deposited plans.

Correction of errors in deposited plans and book of reference.

50. 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 described in the deposited book of reference the Corporation after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices 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 county of Lancaster and a duplicate thereof shall also be deposited with the parish clerk of the parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish 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 Corporation to take the lands and execute the works in accordance with such certificate.

Notice to be given of taking of houses of labouring classes.

51. The Corporation shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or

lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Corporation shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Corporation to procure accommodation for persons of labouring classes displaced.

52. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of a house which the Corporation are by this Act authorised to acquire the Corporation shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person Provided that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Corporation may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may let or otherwise dispose of such lands.

Power for persons under disability to grant easements.

53. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit (subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Acts 1860 and 1869 and of this Act) grant to the Corporation any easement right or privilege not being an easement of water 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.

Period for compulsory purchase of lands.

54. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

As to investment of moneys realised by sale of surplus lands.

55. All moneys authorised or required to be invested in real estate by the Corporation which before the passing of this Act have been invested in the purchase of surplus lands or of the freehold reversion on building or other leases granted by the Corporation shall be deemed to have been invested by the Corporation in real estate and any moneys authorised or required to be so invested in real estate may for the future be from time to time invested by the Corporation in the purchase of surplus lands or of the reversion on building or other leases granted by the Corporation and all surplus lands or reversions on leases which have been at any time purchased by the Corporation shall be deemed to have been sold under the provisions of section 127 of the Lands Clauses Consolidation Act 1845:

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"Surplus lands" in this section means and includes any lands authorised to be acquired by the Corporation under any Act or order at any time in force within the city and not required for the purposes of such Act or order.

Appropriation of certain surplus lands under Act of 1867 to improvement of North Haymarket.

56. And whereas certain of the lands acquired by the Corporation under the Liverpool Improvement Act 1867 and not required for the widening of Great Nelson Street authorised by that Act have been appropriated by the Corporation for the extension and improvement of the North Haymarket and it is expedient to sanction that appropriation and to make further provision respecting lands acquired by the Corporation and not required for the street improvements authorised by the Act of 1867 it is therefore hereby enacted that the improvement and extension of the North Haymarket shall be and be deemed to have been since the passing of the said Act of 1867 a purpose to which lands acquired by the Corporation under that Act and not required for the street improvements by that Act authorised may and might be lawfully appropriated and used.

Corporation may sell exchange or lease lands not required for purposes of order of 1878 and this Act.

57. The Corporation from time to time if and when they think fit may sell or exchange and absolutely dispose of or otherwise at their option demise or grant upon building or other leases for such estate term or interest and to such persons and on such terms and conditions as the Corporation think fit all or any part of the lands acquired by them under the Liverpool (Lands) Order 1878 or under this Act and not required for the purposes of that Order or of this Act and the Corporation shall from time to time carry the net proceeds of every such sale to the Corporation Loans Fund established by the Liverpool Corporation Loans Act 1880.

43 & 44 Vict. c. ccvii.

Power to purchase reversion in Prince's Park Estate.

58. It shall be lawful for the Corporation or for the Corporation jointly with any person to purchase by agreement from the trustees of Richard Vaughan Yates out of moneys which they are authorised or required to lay out in the purchase of real estate or out of any moneys standing to the credit of the surplus of the city fund the freehold reversion in the Princes Park Estate in the township of Toxteth Park in the city expectant on the determination of a lease for seventy-five years from the first day of January one thousand eight hundred and forty-three.

PART VI.

Superannuation Allowance to Officers of Corporation.

Permissive power of Corporation to superannuate exist-

59. The Corporation may if they shall think fit so to do but not otherwise pay to any of their existing officers or servants who shall have held an appointment under them upon his retirement from

service such annual or other sum as they may think reasonable by way of annual or other allowance either during the term of his natural life or for such other period or in gross as the Corporation may consider just and proper Provided that if the allowance be by an annual payment the same shall not exceed one-sixtieth part for every year of service of his average salary and emoluments during the last fifteen years of service and if he has not served for fifteen years then shall not exceed one-sixtieth part for every year of service of the average salary and emoluments during the whole of his service and the Corporation may also if they shall think fit but not otherwise grant a gratuity to any existing officer or servant who may be disabled or injured in their service and the widow or family of any existing officer or servant who may die in the service.

ing officers and servants.

60. A grant of an allowance or gratuity under the last preceding section of this Act shall not be valid unless the same be sanctioned by two meetings of the council the second meeting to be after an interval of not less than four weeks from the first and every such allowance and gratuity shall be charged on and paid out of the fund or funds on which the salary or emoluments of the officer or servant would have been charged or paid if he had continued in his office or service.

Grant of allowance how sanctioned and charged.

61. The Corporation may establish and maintain a superannuation fund for such of their officers and servants appointed after the passing of this Act as the Corporation think fit and such fund shall consist of the sums to be deducted from the salaries or wages of such officers and servants in accordance with rules and regulations to be made by the Corporation and of the accumulated interest thereon The Corporation may from time to time make rules and regulations for determining the deductions to be made yearly or otherwise from the salaries or wages of such officers and servants and with respect to the benefits to be derived from the superannuation fund and the investment management and disposal of the fund and other matters relating thereto.

Power of Corporation to establish superannuation fund for future officers and servants.

62. The Corporation may receive and from time to time invest any moneys carried to the superannuation fund either in Corporation stock created under the Liverpool Corporation Loans Act 1880 or in any securities in which trustees are for the time being authorised by law to invest trust moneys or in any mortgages bonds debentures or debenture stock of any municipal corporation and if and as often as the rate of interest realised by investments as aforesaid is not equal to the rate of interest for the time being fixed by the rules and regulations the Corporation may in accordance with the rules and regulations from time to time in force make up the difference out of the city fund.

Investment of funds.

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Premiums and commission on investments.

63. In investing the superannuation fund in Corporation stock the Corporation may pay out of the city fund any sum or sums by way of premium commission brokerage or otherwise so as to secure an amount of Corporation stock equal to the amount of the superannuation fund to be from time to time invested in Corporation stock.

Decision of council to be final.

64. The decision of the council shall be final and conclusive in all matters arising under the provisions of this part of this Act and no officer or servant or his representatives shall be entitled to any right of action in respect of any matter arising out of this part of this Act.

PART VII.

Borrowing.

Power to borrow for purposes of Act.

65. The Corporation may from time to time borrow for the purposes of and in manner provided by this Act as follows:—

For the execution of the street improvements by this Act authorised (including the purchase of land) any sums not exceeding in the whole one hundred and sixteen thousand pounds:

For the purchase of land for and for other purposes of the College any sums not exceeding in the whole thirty thousand pounds.

Power to create Corporation stock for purposes of Act.

66. (1) For the purpose of raising the moneys authorised to be borrowed for any purpose of this Act the Corporation may from time to time create and issue Liverpool Corporation stock under the Liverpool Corporation Loans Act 1880:

(2) The amount of the annual sums payable to the Corporation Loans Fund under the said Act towards the redemption of stock created and issued by the Corporation for purposes of this Act shall be such as with accumulations at the rate of three pounds ten shillings per centum per annum will suffice to redeem at par such stock within sixty years from the time or respective times of creation of such stock:

(3) The half-yearly annual or other sums payable to the Corporation Loans Fund under the Liverpool Corporation Loans Act 1880 for payment of dividends on and towards redemption of such stock shall be payable—

As regards stock issued for securing moneys borrowed for the street improvements by this Act authorised out of the 1867 improvement rate; and

As regards stock issued for securing moneys borrowed for the purchase of land for and other purposes of the College out of the city fund.

PART VIII.

Lighting Rate.

Lighting rate. 21 G. 2. c. 24.

67. (1) The Corporation shall not henceforth be required or authorised to appoint assessors or collectors under an Act passed in the year one thousand seven hundred and forty-eight intituled "An Act for the building a church in the town of Liverpool in "the county palatine of Lancaster and for enlightening and cleansing "the streets of the said town and for keeping and maintaining a "nightly watch there" nor to cause to be assessed and levied any rate or rates in that Act mentioned for the public lighting of the city:

(2) The Corporation shall from and after the expiration of six months from the passing of this Act or from and after such earlier date as they may fix provide all such sums as they require for the public lighting of the city by making assessing and levying from time to time on all property assessable to the poor rate throughout the whole city a uniform poundage rate to be called the lighting rate and shall have in relation to such rate all such powers rights and remedies (so far as applicable) as they now have under the Liverpool Improvement Act 1867 for making assessing levying and recovering the 1867 improvement rate and the exemptions contained in section 62 of the Liverpool Improvement Act 1867 shall apply in the case of any rate made or levied under this section:

(3) Nothing in this section shall prevent or interfere with the recovery of all sums due on account of any rate made under the provisions of the said Act of 1748 before the making of any rate by the Corporation under the provisions of this section.

PART IX.

Miscellaneous Enactments.

Byelaws for prevention of danger from telegraph wires &c.

68. (1) The Corporation may from time to time make alter and repeal byelaws for prevention of danger or obstruction to the public from posts wires tubes or any other appliances or apparatus stretched or placed over across under or in any street (whether before or after the passing of this Act) for the purpose of any telegraph telephone railway signalling or other purpose:

(2) By such byelaws the Corporation may provide for the inspection and examination of any such posts wires tubes or other appliances or apparatus and for the prohibition of any such posts wires tubes or other appliances or apparatus being or continuing to be stretched or placed as aforesaid without a license from the

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Corporation and for the grant of such licenses on such terms and conditions for prevention of danger or obstruction to the public as the Corporation may see fit:

(3) If any post wire tube or other appliance or apparatus is continued to be placed or stretched as aforesaid in contravention of any byelaw made or of the terms and conditions of any license granted by the Corporation under this section after notice of the contravention from the Corporation it shall be lawful for the Corporation to cause the same to be removed without incurring liability for damages to the owners or to any other person:

(4) The Corporation may impose on offenders against such byelaws such reasonable penalties as they think fit not exceeding five pounds for each offence and in addition forty shillings for every day during which the offence is continued after written notice thereof from the Corporation:

(5) Byclaws made under this section and any alteration or repeal of any such byelaw shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade which Board is hereby empowered to allow or disallow the same as it may think proper and such reasonable notice of the intended submission of any such byelaw or any alteration or repeal thereof for confirmation shall be given by the Corporation by advertisement in local newspapers circulating in the city circular letter or otherwise as may enable any company or person interested to object to such byelaw alteration or repeal:

(6) Nothing in such byelaws shall extend to any posts wires tubes or other property of Her Majesty's Postmaster General:

(7) Nothing in such byelaws shall extend to any posts wires tubes or other property of the Mersey Docks and Harbour Board or of any railway company save such or so much of any such posts wires tubes or other appliance or apparatus as may be stretched or placed over across under or in any street for the time being repairable by the Corporation:

(8) Nothing in such byelaws shall extend to any wires tubes or any other appliances or apparatus which shall belong to any railway company and be used by them in connexion with their business and which now are or hereafter shall be fixed upon posts or supports placed upon any railway provided such posts or supports wires tubes appliances or apparatus do not project or are not stretched or placed beyond such railway over or across any public street repairable by the Corporation:

(9) Nothing in such byelaws shall extend to any post wire tube or other appliance or apparatus which before the passing of

this Act was stretched or placed as aforesaid (herein-after called an "existing work") until the expiration of five years from the passing of this Act.

As to existing telegraph wires, &c.

69. (1) If during the said period of five years any existing work is in the opinion of the building surveyor in such a state or position that immediate danger to any person is to be apprehended he may give information to any justice who may thereupon summon the owner or lessee thereof or other person interested therein to appear before a court of summary jurisdiction and the court may make an order requiring such owner lessee or other person or all or any of them to remove the source of danger or authorising the building surveyor to do so at the expense of such owner lessee or other person or of all or any of them or such other order as may appear to the court in all the circumstances of the case to be necessary and proper:

(2) The Corporation may during the said period of five years on a written certificate from the building surveyor to the effect that danger is to be apprehended from the state or position of any existing work require such owner lessee or other person as aforesaid or all or any of them to make such alterations as shall remove the source of danger on payment or tender by the Corporation of one half of the expense or estimated expense of or in connexion with such alterations and in default of compliance with such requirement the Corporation may enter and effect the alterations and may recover one half of the expense thereof from such owner lessee or other person as aforesaid or from all or any of them.

Restrictions on placing wires &c. other than telegraph wires &c. over under across or along streets and roads.

70. It shall not be lawful for any person to fix or place any rope line cord post wire tube or other similar apparatus (other than posts wires tubes or other apparatus for telegraphic telephonic or railway signalling purposes) over under across or along any street or road without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds:

Provided that nothing in this section shall extend to any posts wires tubes or other property of Her Majesty's Postmaster General.

Byelaws for regulation of public conveniences.

71. The Corporation may from time to time make byelaws with respect to all privies urinals and other similar conveniences provided by them for the accommodation of the public under section

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one hundred and sixteen of the Liverpool Sanitary Act 1846 or otherwise for all or any of the following purposes (that is to say):

For preventing indecent or disorderly conduct on the part of persons resorting to such privies urinals and conveniences; and

For preventing intrusion by persons of one sex on any part of such premises appropriated to persons of the other sex; and

For authorising any attendant or other servant of the Corporation to remove or to refuse to admit any person who in the opinion of such officer or servant ought to be removed or ought not to be admitted; and

For preventing injury to any part of such privies urinals or other conveniences or defacement of any part thereof by writing or otherwise; and

For making and recovering reasonable charges for the use of such privies urinals or other conveniences.

Provisions respecting maintenance of Wavertree and other parks and the Botanic Gardens. 28 & 29 Vict. c. xx. 15 & 16 Vict. c. iii.

72. All expenses incurred from time to time by the Corporation in the maintenance and management of Wavertree Park Shiel Park and Kensington Playground and of the Botanic Gardens and Herbarium belonging to the Corporation shall from and after the passing of this Act be defrayed out of the public parks &c. rate leviable under the Liverpool Improvement Act 1865:

So much of section eighteen of the Liverpool Library and Museum Act 1852 as relates to the Botanic Gardens Herbarium and other premises purchased by the Corporation under the authority of the statute 8 and 9 Victoria chapter 43 is hereby repealed without prejudice to anything done or suffered before the passing of this Act or to the recovery of any sums due at the passing of this Act in respect of any rate made under that section.

Park-keepers may be made constables.

73. The Corporation may cause any park-keepers appointed by the Corporation and all persons appointed to assist them permanently or otherwise to make such declaration as is by law required to be made by constables of the city and the men making such declaration shall (if in uniform or provided with a warrant which they shall show if required) have in the parks (whether within or beyond the city) for the time being belonging to or under the control of the Corporation such powers authorities and privileges and shall be liable to such responsibilities and (subject to the directions of the Corporation) shall perform all such duties as constables appointed under the Municipal Corporation Acts:

But nothing in this section shall be deemed to render applicable to any such park-keeper the provisions of the Liverpool Police

Superannuation Acts 1854 and 1881 or of the Municipal Corporation Acts relative to a police superannuation fund or superannuation allowances.

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17 & 18 Vict. c. xiv.
44 & 45 Vict. c. xiv.

Charge in respect of art exhibitions.

74. It shall be lawful for the Corporation to provide in the Gallery of Arts suitable rooms for art exhibitions and to permit art exhibitions in such rooms and to let such rooms or make such reasonable charges for admission to such exhibitions as to the Corporation may seem fit and also to let or make reasonable charges for admission to lecture rooms.

Prevention of nuisance occasioned by brakes.

75. Any person who in any street uses or causes or suffers to be driven or used any cart waggon dray lorry timber-carriage float drag shandry or other like vehicle without having and using efficient means to prevent noise being caused to the inconvenience or annoyance of any resident or passenger by the application of brake power to such cart waggon dray lorry timber-carriage float drag shandry or other like vehicle or otherwise shall be liable to a penalty not exceeding forty shillings and for any offence after a previous conviction not exceeding five pounds.

Regulations as to drivers of covered vans.

76. It shall not be lawful to drive any covered van shandry cart or other similar vehicle along any street or road unless the driver is at all times while driving in such a position as to have full view of the traffic in front and on each side of him:

Any person driving any covered van shandry cart or similar vehicle in contravention of this section shall be liable to a penalty not exceeding forty shillings for the first offence and not exceeding five pounds for the second or any subsequent offence.

Provided always that the provisions of this section shall not come into operation until the expiration of twelve months from the passing of this Act.

Application of section 24 of 17 & 18 Vict. c. xv.

77. Whereas doubts have arisen respecting the application of section twenty-four of the Liverpool Sanitary Amendment Act 1854 which doubts it is expedient to remove It is therefore hereby declared that the provisions of section twenty-four of the said Act of 1854 apply to all steamboats and to the furnaces of all steamboats plying for hire between the port of Liverpool and the Isle of Man.

Amendment of provisions of 27 & 28 Vict. c. lxxiii. as to report of medical officer.

78. A report by the medical officer of health under the Liverpool Sanitary Amendment Act 1864 as to the condition of courts alleys and other premises need not be made and signed in duplicate and a copy need not be delivered to the clerk of the peace unless the Corporation specially so direct.

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Power to acquire by agreement premises reported unfit for human habitation &c.

79. Where the medical officer of health has made a report to the Corporation under the Liverpool Sanitary Amendment Act 1864 the Corporation may from time to time (whether or not a copy of the report has been delivered to the clerk of the peace or a presentment has been made under the said Act) acquire by agreement all or any of the premises included in such report or any estate or interest therein or in any part thereof and any premises estate or interest so acquired by the Corporation may be sold or otherwise dealt with and disposed of in like manner as land and premises acquired by them under the Liverpool Sanitary Amendment Act 1864 and section twenty-six of that Act shall have effect accordingly Any moneys which the Corporation are for the time being authorised to borrow or apply for the purposes of the Liverpool Sanitary Amendment Act 1864 may be borrowed or applied by the Corporation for the execution of this section.

Saving for procedure under 27 & 28 Vict. c. lxxiii.

80. Nothing in this Act shall be construed so as to impair or prejudicially affect the procedure by way of presentment under the Liverpool Sanitary Amendment Act 1864 in cases where the medical officer of health with the sanction of the Corporation delivers a copy of any report under that Act to the clerk of the peace.

PART X.

Procedure.

Prosecution and recovery of offences and penalties.

81. All offences penalties forfeitures costs charges and expenses by this Act or any Act incorporated herewith or any byelaw thereunder authorised or directed to be prosecuted or recovered summarily or in a summary way or before any justices or justice or the prosecution or recovery of which is not otherwise expressly provided for may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts and all penalties recovered summarily within the city under this or any Act incorporated herewith or any byelaw thereunder (except penalties recovered against the Corporation) shall be paid to the Corporation and carried to the city fund.

Occupier in default of owner may execute works and deduct expense from his rent.

82. Whenever default is made by the owner of any building or lands in the execution of any work by or by virtue of this Act required to be executed by him the occupier of such building or lands may with the approval of the Corporation cause such work to be executed and the expense thereof shall be repaid to the occupier by the owner and the occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to the owner.

Service of notices &c.

83. Section one hundred and eight of the Liverpool Improvement and Waterworks Act 1871 is hereby declared to apply to all notices orders resolutions declarations requisitions demands licenses summonses or other instruments made given delivered or served under or for purposes of this Act.

Service of notices &c. on railway companies.

84. Any notice or other instrument which under any Act for the time being in force within the city or any byelaw order or regulation made thereunder is required to be made given delivered or served on a railway company shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business provided that such notice or other instrument shall be presumed to have been delivered to such railway company at the time when in the ordinary course of the post it would be so delivered.

Application of provisions of 38 & 39 Vict. c. 55. respecting byelaws.

85. Sections one hundred and eighty-two to one hundred and eighty-six (both inclusive) of the Public Health Act 1875 (except so much of section one hundred and eighty-five as applies exclusively to byelaws made by a rural authority) shall apply to the byelaws made by the Corporation under this Act (other than byelaws authorised or required to be confirmed by the Board of Trade) as if they were byelaws made by a local authority under that Act.

Powers of Act cumulative.

86. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament law or custom and the Corporation may exercise such other powers as if this Act had not passed.

General saving for Corporation.

87. Nothing in this Act shall take away abridge or prejudicially affect any right power authority estate or interest of the Corporation under the Municipal Corporation Acts or the Public Health Acts or otherwise and every such right power authority estate and interest may be had enjoyed and exercised by the Corporation as fully and effectually as if this Act had not been passed.

Costs of Act.

88. The costs charges and expenses of and incidental to the preparing applying for and obtaining this Act shall be paid by the Corporation out of any moneys not derived from rates from time to time standing to the credit of the surplus of the city fund.

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SCHEDULES.

SCHEDULE (A).

RULES AS TO THICKNESS OF WALLS.

PART I.—General Rules.

Regular brick or stone walls.

1. All the rules of this schedule except the rule next following shall apply only to walls built of (*a*) good bricks not less than nine inches long or (*b*) suitable stone or (*c*) other blocks of hard and incombustible material the beds or courses being in each case horizontal in the directions of both the length and the thickness of the wall or (*d*) good concrete in accordance with the regulations of this Act.

Walls built of irregular materials.

2. In case any wall is built of stone rubble or brickbats or other like material the beds or courses not being horizontal its thickness shall be one third ($\frac{1}{3}$) greater than that prescribed by this schedule for a wall built of bricks but in other respects of the same description height and length and belonging to the same class of building.

Height of walls.

3. The height of every wall shall be measured from its base to its highest part or (when the wall terminates in a gable) to the level of the middle of the gable Provided that in the case of a dwelling-house not more than twenty-two feet in height from the ground floor to the eaves the height of the wall may be measured to the foot of the gable.

Length of walls.

4. The length of every wall shall be measured from the centre of one return wall to the centre of the next.

Divided walls.

5. Walls shall be deemed to be divided into distinct lengths by return walls. A wall comprising more than one of such lengths is in this schedule hereafter called the divided wall.

Return walls.

6. A wall shall not be deemed a return wall unless (*a*) it rests immediately upon the ground or foundation and (*b*) is an external wall party wall separate side wall or cross wall in accordance with the rules of this schedule and (*c*) makes no angle with the divided wall greater than one hundred and thirty-five degrees (135°) and (*d*) is properly bonded therewith.

Walls only partly divided.

7. In every case where a return wall is not carried up to the same height as the divided wall the undivided part shall be built of the thickness in this schedule prescribed as if no part of such wall had been divided by a return wall.

Cross walls.

8. A cross wall shall not be deemed a return wall unless its thickness is at least fourteen inches in the case of a warehouse building or public building or nine inches in the case of a domestic building provided that in the case of a dwelling-house not more than twenty-two feet in height from the ground floor to the eaves such thickness may be four-and-a-half inches.

Separate side walls.

9. The thickness of every separate side wall shall be at least two thirds ($\frac{2}{3}$) of the thickness prescribed by this schedule for an external wall or party wall of the same height and length and belonging to the same class of building

Provided that the thickness of such separate side wall shall in the case of a domestic building be not less than nine inches and in the case of a public building or a warehouse building be not less than fourteen inches.

Least thickness of walls.

10. In every case the thickness specified in the following rules shall be the minimum thickness of which any such wall as is mentioned therein may be constructed Provided that nothing in this schedule contained shall prevent or limit the provisions of this Act relating to recesses.

PART II.—Walls of Domestic Buildings.

11. Every external wall and party wall of every domestic building shall be built of the thickness specified in the following rules.

Height up to 20 feet.

12. In every case where the wall does not exceed twenty feet in height its thickness shall be as follows:—

(a) If such wall does not exceed thirty feet in length, its thickness shall be nine inches throughout:

(b) If such wall exceeds thirty feet in length its thickness shall be fourteen inches throughout.

Height 20 to 25 feet.

13. In every case where the wall exceeds twenty feet but does not exceed twenty-five feet in height its thickness shall be as follows:—

(a) If such wall does not exceed fifteen feet in length its thickness shall be nine inches throughout:

(b) If such wall exceeds fifteen feet but does not exceed thirty feet in length its thickness shall be fourteen inches in the lowest storey and then nine inches for the rest of its height or if there is only one storey fourteen inches for half of its height from the base and then nine inches for the rest of its height:

(c) If such wall exceeds thirty feet but does not exceed sixty feet in length its thickness shall be fourteen inches throughout:

(d) If such wall exceeds sixty feet in length its thickness shall be eighteen inches in the lowest storey and then fourteen inches for the rest of its height or if there is only one storey eighteen inches for half of its height from the base and then fourteen inches for the rest of its height.

Height 25 to 30 feet.

14. In every case where the wall exceeds twenty-five feet but does not exceed thirty feet in height its thickness shall be as follows:—

(a) If such wall does not exceed fifteen feet in length its thickness shall be fourteen inches in the lowest storey and then nine inches for the rest of its height:

(b) If such wall exceeds fifteen feet but does not exceed thirty feet in length its thickness shall be fourteen inches in the lowest storey and in the next storey and then nine inches for the rest of its height:

(c) If such wall exceeds thirty feet but does not exceed sixty feet in length its thickness shall be fourteen inches throughout:

(d) If such wall exceeds sixty feet in length its thickness shall be eighteen inches in the lowest storey and then fourteen inches for the rest of its height:

Height 30 to 40 feet.

15. In every case where the wall exceeds thirty feet but does not exceed forty feet in height its thickness shall be as follows:—

(a) If such wall does not exceed fifteen feet in length its thickness shall be fourteen inches in the lowest storey and in the next storey and then nine inches for the rest of its height:

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(b) If such wall exceeds fifteen feet but does not exceed thirty feet in length its thickness shall be fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(c) If such wall exceeds thirty feet but does not exceed sixty feet in length its thickness shall be fourteen inches throughout:

(d) If such wall exceeds sixty feet in length its thickness shall be eighteen inches in the lowest storey, and then fourteen inches for the rest of its height.

Height 40 to 50 feet.

16. In every case where the wall exceeds forty feet but does not exceed fifty feet in height its thickness shall be as follows:—

(a) If such wall does not exceed fifteen feet in length, its thickness shall be fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(b) If such wall exceeds fifteen feet but does not exceed thirty feet in length its thickness shall be eighteen inches in the lowest storey then fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(c) If such wall exceeds thirty feet but does not exceed sixty feet in length its thickness shall be eighteen inches in the lowest storey and then fourteen inches for the rest of its height:

(d) If such wall exceeds sixty feet in length its thickness shall be eighteen inches in the lowest storey and in the next storey and then fourteen inches for the rest of its height:

Height 50 to 60 feet.

17. In every case where the wall exceeds fifty feet but does not exceed sixty feet in height its thickness shall be as follows:

(a) If such wall does not exceed fifteen feet in length its thickness shall be eighteen inches in the lowest storey then fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(b) If such wall exceeds fifteen feet but does not exceed thirty feet in length its thickness shall be eighteen inches in the lowest storey and in the next storey then fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(c) If such wall exceeds thirty feet but does not exceed sixty feet in length its thickness shall be eighteen inches in the lowest storey and in the next storey and then fourteen inches for the rest of its height:

(d) If such wall exceeds sixty feet in length its thickness shall be twenty-three inches in the lowest storey then eighteen inches in the next storey and then fourteen inches for the rest of its height.

Height 60 to 70 feet.

18. In every case where the wall exceeds sixty feet but does not exceed seventy feet in height its thickness shall be as follows:—

(a) If such wall does not exceed fifteen feet in length its thickness shall be twenty-three inches in the lowest storey then eighteen inches in the next storey then fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(b) If such wall exceeds fifteen feet but does not exceed thirty feet in length its thickness shall be twenty-three inches in the lowest storey then eighteen inches in the next two storeys then fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(c) If such wall exceeds thirty feet but does not exceed sixty feet in length its thickness shall be twenty-three inches in the lowest storey then eighteen inches in the next two storeys and then fourteen inches for the rest of its height:

(d) If such wall exceeds sixty feet in length its thickness shall be twenty-three inches in the lowest storey then eighteen inches in the next three storeys and then fourteen inches for the rest of its height.

Height 70 to 80 feet.

19. In every case where the wall exceeds seventy feet but does not exceed eighty feet in height its thickness shall be as follows:—

(a) If such wall does not exceed fifteen feet in length its thickness shall be twenty-three inches in the lowest storey then eighteen inches in the next two storeys then fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(b) If such wall exceeds fifteen feet but does not exceed thirty feet in length its thickness shall be twenty-three inches in the lowest storey then eighteen inches in the next three storeys then fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(c) If such wall exceeds thirty feet but does not exceed sixty feet in length its thickness shall be twenty-three inches in the lowest storey then eighteen inches in the next three storeys and then fourteen inches for the rest of its height:

(d) If such wall exceeds sixty feet in length its thickness shall be twenty-three inches in the lowest storey and in the next storey then eighteen inches in the next three storeys and then fourteen inches for the rest of its height.

Height 80 to 90 feet.

20. In every case where the wall exceeds eighty feet but does not exceed ninety feet in height its thickness shall be as follows:—

(a) If such wall does not exceed fifteen feet in length its thickness shall be twenty-eight inches in the lowest storey then twenty-three inches in the next storey then eighteen inches in the next two storeys then fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(b) If such wall exceeds fifteen feet but does not exceed thirty feet in length its thickness shall be twenty-eight inches in the lowest storey then twenty-three inches in the next storey then eighteen inches in the next three storeys then fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(c) If such wall exceeds thirty feet but does not exceed sixty feet in length its thickness shall be twenty-eight inches in the lowest storey then twenty-three inches in the next storey then eighteen inches in the next three storeys and then fourteen inches for the rest of its height:

(d) If such wall exceeds sixty feet in length its thickness shall be twenty-eight inches in the lowest storey then twenty-three inches in the next storey then eighteen inches in the next four storeys and then fourteen inches for the rest of its height.

Height 90 to 100 feet.

21. In every case where the wall exceeds ninety feet but does not exceed one hundred feet in height its thickness shall be as follows:—

(a) If such wall does not exceed fifteen feet in length its thickness shall be twenty-eight inches in the lowest storey than twenty-three inches in the next two storeys then eighteen inches in the next two storeys then fourteen

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inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(b) If such wall exceeds fifteen feet but does not exceed thirty feet in length its thickness shall be twenty-eight inches in the lowest storey then twenty-three inches in the next two storeys then eighteen inches in the next three storeys then fourteen inches up to the floor of the topmost storey and then nine inches for the rest of its height:

(c) If such wall exceeds thirty feet but does not exceed sixty feet in length its thickness shall be twenty-eight inches in the lowest storey then twenty-three inches in the next two storeys then eighteen inches in the next three storeys and then fourteen inches for the rest of its height:

(d) If such wall exceeds sixty feet in length its thickness shall be twenty-eight inches in the lowest storey than twenty-three inches in the next two storeys then eighteen inches in the next four storeys and then fourteen inches for the rest of its height.

Piers.

22. Where by any of the foregoing rules any wall is required to have in any part a greater thickness than fourteen inches the extra thickness may be confined to properly distributed piers of which the collective widths amount to one-fourth part ($\frac{1}{4}$) of the length of the wall:

The width of the piers may nevertheless be reduced if the extra thickness is proportionately increased the horizontal sectional area not being diminished but such increase of thickness in any such pier shall in no case be reckoned if it exceeds one third ($\frac{1}{3}$) of its calculated width.

PART III.—Walls of Warehouse Buildings and Public Buildings.

23. Every external wall and party wall of every warehouse building and public building shall be built of the thickness specified in the following rules.

Height up to 20 feet.

24. In every case where the wall does not exceed twenty feet in height it shall be fourteen inches in thickness at its base.

Height 20 to 30 feet.

25. In every case where the wall exceeds twenty feet but does not exceed thirty feet in height its thickness shall be as follows:—

(a) If such wall does not exceed sixty feet in length its thickness shall be fourteen inches throughout:

(b) If such wall exceeds sixty feet in length its thickness shall be eighteen inches at the base.

Height 30 to 40 feet.

26. In every case where the wall exceeds thirty feet but does not exceed forty feet in height its thickness shall be as follows:—

(a) If such wall does not exceed sixty feet in length its thickness shall be eighteen inches at the base:

(b) If such wall exceeds sixty feet in length its thickness shall be twenty-three inches at the base.

Height 40 to 60 feet.

27. In every case where the wall exceeds forty feet but does not exceed sixty feet in height its thickness shall be as follows:—

(a) If such wall does not exceed sixty feet in length its thickness shall be twenty-three inches at the base:

(b) If such wall exceeds sixty feet in length its thickness shall be twenty-eight inches at the base.

28. In every case where the wall exceeds sixty feet but does not exceed eighty feet in height its thickness shall be thirty-three inches at the base. Height 60 to 80 feet.

29. In every case where the wall exceeds eighty feet but does not exceed one hundred feet in height its thickness shall be thirty-eight inches at the base. Height 80 to 100 feet.

30. In every case the wall whatever may be its height shall have the following thickness above the base:— Thickness above base.

(a) If the wall does not exceed sixty feet in length its thickness shall be fourteen inches at the floor of the topmost storey and for the rest of its height:

(b) If the wall exceeds sixty feet in length its thickness shall be eighteen inches at the floor of the topmost storey and for the rest of its height:

(c) The rest of the wall shall be of such a thickness that the two faces shall not in any part be nearer to each other than straight lines on each side of the wall joining the face of the wall at the floor of the topmost storey to the face of the wall at the base.

31. Where by any of the foregoing rules relating to the thickness of walls of warehouse buildings and public buildings any wall is required to have in any part a greater thickness than eighteen inches, the extra thickness may be confined to properly distributed piers, of which the collective widths amount to one fourth ($\frac{1}{4}$) part of the length of the wall: Piers.

The width of the piers may nevertheless be reduced if the extra thickness is proportionately increased, the horizontal sectional area not being diminished but such increase of thickness in any such pier shall in no case be reckoned if it exceeds one third ($\frac{1}{3}$) of its calculated width.

SCHEDULE (B).

RULES AS TO STRENGTH OF TIMBERS.

PART I.—GENERAL RULES.

1. The following rules of this schedule shall apply to beams joists purlins and rafters of any species of fir or pine. Timbers of any other kind of wood shall be of such size and strength as is satisfactory to the building surveyor. Timbers of fir or pine.

2. The sizes specified in this schedule for the cross sections of the several timbers mentioned therein shall represent the least size and strength which any such timber may have. Minimum size.

3. Every beam joist purlin and rafter mentioned in this schedule shall be laid and fixed on edge its greatest side being in a vertical position or nearly so and when laid and fixed in such position the distance between the upper and lower surfaces thereof shall be deemed to be the depth thereof and is in this schedule hereafter so referred to. Timbers on edge.

4. In calculating the size and strength required for any beam or other timber intended to be of a strength equal to or greater than that of any particular beam or other timber of the same length and of the dimensions specified in this schedule the following method shall be adopted:—In both cases the number Calculation of equal strength.

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of inches in the depth of such beam or other timber shall be multiplied by itself and the product shall be multiplied by the number of inches in the breadth The number thus obtained shall be taken to represent the strength of such beam or other timber.

Floors of usual kind.

5. The rules of this schedule relating to joists and beams in floors are applicable only to floors formed of joists laid on edge in the ordinary way and covered with boards.

Floors of unusual kind.

6. In the case of a framed floor or of a floor formed with beams at short distances apart and covered with battens deals or planks without joists the several timbers of such floor shall be of such size and strength as is satisfactory to the building surveyor.

Distance apart of joists and beams.

7. The rules of this schedule relating to joists and beams in floors are applicable only to joists laid at a distance of not more than fifteen inches apart measured from the middle of one joist to the middle of the next or to the nearest wall and to beams laid at a distance of not more then ten feet apart measured from the middle of one beam to the middle of the next or to the nearest wall And joists and beams not exceeding the dimensions specified therefor in this schedule shall be laid and fixed at not more than the aforesaid distances apart namely fifteen inches and ten feet respectively :

Provided that nothing in this rule contained shall prevent or limit the operation of the rules numbered 8 9 10 and 19 in this schedule.

Timbers larger than in schedule.

8. In the case of a floor formed of joists or beams of greater dimensions than the respective dimensions specified therefor in this schedule such joists or beams may be laid and fixed at a proportionately greater distance apart than fifteen inches and ten feet respectively.

Timbers smaller than in schedule.

9. In the case of a floor formed of joists or beams of less dimensions than the respective dimensions specified therefor in this schedule such joists or beams shall be laid and fixed at a proportionately less distance apart than fifteen inches and ten feet respectively.

Lengths not in schedule.

10. In the case of a floor in which any joist or beam is of a length for which no provision is made in this schedule such joist or beam shall be of such size and strength as is satisfactory to the building surveyor.

Roofs of usual kind.

11. The rules of this schedule relating to rafters and purlins in roofs are applicable only to roofs formed of rafters and purlins laid in the ordinary way and covered with slates of the usual kind.

Roofs of unusual kind.

12. In the case of a roof formed of coupled rafters or of rafters laid horizontally or in the case of a boarded roof covered with slates or in the case of a roof covered with glass lead tiles iron cement or other incombustible material not being slates of the usual kind the several timbers of such roof shall be of such size and strength as is satisfactory to the building surveyor.

Distance apart of rafters and purlins.

13. The rules of this schedule relating to rafters and purlins in roofs are applicable only to rafters laid at a distance of not more than fifteen inches apart measured from the middle of one rafter to the middle of the next or to the nearest wall and to purlins laid at a distance of from six to nine feet apart measured from the middle of one purlin to the middle of the next or to the ridge or to the bearing upon the wall And rafters and purlins not exceeding the dimensions specified therefor in this schedule shall be laid and fixed at not more than the aforesaid distances apart namely fifteen inches and nine feet respectively

Provided that nothing in this rule contained shall prevent or limit the operation of the rules numbered 14 15 and 16 in this schedule.

Timbers larger than in schedule.

14. In the case of a roof formed of rafters or purlins of greater dimensions than the respective dimensions specified therefor in this schedule such rafters or purlins may be laid and fixed at a proportionately greater distance apart than fifteen inches and nine feet respectively.

Timbers smaller than in schedule.

15. In the case of a roof formed of rafters or purlins of less dimensions than the respective dimensions specified therefor in this schedule such rafters or purlins shall be laid and fixed at a proportionately less distance apart than fifteen inches and six feet respectively.

Lengths not in schedule.

16. In the case of a roof in which any rafter or purlin is of a length for which no provision is made in this schedule such rafter or purlin shall be of such size and strength as is satisfactory to the building surveyor.

PART II.—Floors of Domestic Buildings.

Joists.

17. In the floors of domestic buildings the least cross section of the several bearing joists shall be of the following size and strength or shall be of equal strength therewith (that is to say):—

(1) Every joist not exceeding three feet four inches in clear bearing shall be three inches in depth and three inches in thickness:	3 ft. 4 in.
(2) Every joist exceeding three feet four inches and not exceeding five feet four inches in clear bearing shall be three-and-a-half inches in depth and three inches in thickness:	3 ft. 4 in. to 5 ft. 4 in.
(3) Every joist exceeding five feet four inches and not exceeding seven feet four inches in clear bearing shall be four inches in depth and three inches in thickness:	5 ft. 4 in. to 7 ft. 4 in.
(4) Every joist exceeding seven feet four inches and not exceeding nine feet four inches in clear bearing shall be five inches in depth and two-and-a-half inches in thickness:	7 ft. 4 in. to 9 ft. 4 in.
(5) Every joist exceeding nine feet four inches and not exceeding eleven feet four inches in clear bearing shall be six inches in depth and two-and-a-half inches in thickness:	9 ft. 4 in. to 11 ft. 4 in.
(6) Every joist exceeding eleven feet four inches and not exceeding thirteen feet four inches in clear bearing shall be seven inches in depth and two-and-a-half inches in thickness:	11 ft. 4 in. to 13 ft. 4 in.
(7) Every joist exceeding thirteen feet four inches and not exceeding fourteen feet four inches in clear bearing shall be seven inches in depth and three inches in thickness:	13 ft. 4 in. to 14 ft. 4 in.
(8) Every joist exceeding fourteen feet four inches and not exceeding sixteen feet four inches in clear bearing shall be eight inches in depth and three inches in thickness:	14 ft. 4 in. to 16 ft. 4 in.
(9) Every joist exceeding sixteen feet four inches and not exceeding eighteen feet four inches in clear bearing shall be nine inches in depth and three inches in thickness:	16 ft. 4 in. to 18 ft. 4 in.
(10) Every joist exceeding eighteen feet four inches and not exceeding twenty feet four inches in clear bearing shall be ten inches in depth and three inches in thickness:	18 ft. 4 in. to 20 ft. 4 in.

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20 ft. 4 in. to 22 ft. 4 in. Trimming joists and trimmer joists.

(11) Every joist exceeding twenty feet four inches and not exceeding twenty-two feet four inches in clear bearing shall be eleven inches in depth and three inches in thickness:

(12) Every trimming joist receiving a trimmer at not more than three feet from one end and every trimmer joist receiving not more than six common joists shall have an extra thickness of one inch more than is herein specified for a common joist of the same bearing. Such extra thickness shall not be added in a separate scantling but the trimmer or trimming joist shall be solid throughout.

Beams.

18. In the floors of domestic buildings the least cross section of the several beams or girders supporting the same and not supporting any wall pier or other such load shall be of the following size and strength or shall be of equal strength therewith (that is to say):—

8 to 10 feet. (1) Every beam exceeding eight feet and not exceeding ten feet in clear bearing shall be ten inches in depth and six inches in thickness:

10 to 12 feet. (2) Every beam exceeding ten feet and not exceeding twelve feet in clear bearing shall be eleven inches in depth and seven inches in thickness:

12 to 14 feet. (3) Every beam exceeding twelve feet and not exceeding fourteen feet in clear bearing shall be twelve inches in depth and eight inches in thickness:

14 to 16 feet. (4) Every beam exceeding fourteen feet and not exceeding sixteen feet in clear bearing shall be thirteen inches in depth and nine inches in thickness:

16 to 18 feet. (5) Every beam exceeding sixteen feet and not exceeding eighteen feet in clear bearing shall be fourteen inches in depth and ten inches in thickness:

18 to 20 feet. (6) Every beam exceeding eighteen feet and not exceeding twenty feet in clear bearing shall be fifteen inches in depth and eleven inches in thickness.

PART III.—Floors of Public Buildings.

Floors of public buildings *one fifth* stronger.

19. In the floors of public buildings the least cross section of the several bearing-joists and of the beams supporting the same shall be at least one fifth stronger than the respective cross sections specified in Part II. of this schedule for joists and beams in the floors of domestic buildings or otherwise such joists and beams of public buildings (being of the same size and strength as those of domestic buildings) shall be laid and fixed at a distance of not more than twelve inches and eight feet respectively apart measured from the middle of one joist or beam to the middle of the next or to the nearest wall:

Provided that joists and beams in the floors of small private rooms and ante rooms of public buildings may be of the same size and strength as those of domestic buildings.

PART IV.—Floors of Warehouse Buildings.

Joists.

20. In the floors of warehouse buildings the least cross section of the several bearing joists shall be of the following size and strength or shall be of equal strength therewith (that is to say):—

Length up to 3 feet (1) Every joist not exceeding three feet in clear bearing shall be four-and-a-half inches in depth and three inches in thickness:

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(2) Every joist exceeding three feet and not exceeding four feet in clear bearing shall be six inches in depth and two-and-a-half inches in thickness: — 3 to 4 feet.

(3) Every joist exceeding four feet and not exceeding five feet in clear bearing shall be seven inches in depth and two-and-a-half inches in thickness: — 4 to 5 feet.

(4) Every joist exceeding five feet and not exceeding six feet in clear bearing shall be seven inches in depth and three inches in thickness: — 5 to 6 feet.

(5) Every joist exceeding six feet and not exceeding seven feet in clear bearing shall be seven-and-a-half inches in depth and three inches in thickness: — 6 to 7 feet.

(6) Every joist exceeding seven feet and not exceeding eight feet in clear bearing shall be eight inches in depth and three inches in thickness: — 7 to 8 feet.

(7) Every joist exceeding eight feet and not exceeding ten feet in clear bearing shall be nine inches in depth and three inches in thickness: — 8 to 10 feet.

(8) Every joist exceeding ten feet and not exceeding twelve feet in clear bearing shall be ten inches in depth and three inches in thickness: — 10 to 12 feet.

(9) Every joist exceeding twelve feet and not exceeding fourteen feet in clear bearing shall be eleven inches in depth and three inches in thickness: — 12 to 14 feet.

(10) Every joist exceeding fourteen feet and not exceeding sixteen feet in clear bearing shall be twelve inches in depth and three inches in thickness: — 14 to 16 feet.

(11) Every joist exceeding sixteen feet and not exceeding eighteen feet in clear bearing shall be nine inches in depth and six inches in thickness: — 16 to 18 feet.

(12) Every joist exceeding eighteen feet and not exceeding twenty feet in clear bearing shall be eleven inches in depth and four-and-a-half inches in thickness: — 18 to 20 feet.

(13) Every trimming joist receiving a trimmer at not more than three feet from one end shall have an extra thickness of one inch and a-half more than is herein specified for a common joist of the same bearing: — Trimming joists and trimmer joists.

And every trimmer joist receiving not more than six common joists shall for every such joist have an extra thickness of one quarter of an inch more than is herein specified for a common joist of the same bearing.

Beams.

21. In the floors of warehouse buildings the least cross section of the several beams or girders supporting the same and not supporting any wall pier or other such load shall be of the following size and strength or shall be of equal strength therewith (that is to say):—

(1) Every beam exceeding eight feet and not exceeding ten feet in clear bearing shall be twelve inches in depth and eleven inches in thickness: — 8 to 10 feet.

(2) Every beam exceeding ten feet and not exceeding twelve feet in clear bearing shall be thirteen inches in depth and twelve inches in thickness: — 10 to 12 feet.

(3) Every beam exceeding twelve feet and not exceeding fourteen feet in clear bearing shall be fourteen inches in depth and thirteen inches in thickness: — 12 to 14 feet

(4) Every beam exceeding fourteen feet and not exceeding sixteen feet in clear bearing shall be fifteen inches in depth and fourteen inches in thickness: — 14 to 16 feet.

(5) Every beam exceeding sixteen feet and not exceeding eighteen feet in clear bearing shall be fifteen inches in depth and eighteen inches in thickness: — 16 to 18 feet.

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18 to 20 feet.

(6) Every beam exceeding eighteen feet and not exceeding twenty feet in clear bearing shall be fifteen inches in depth and twenty-four inches in thickness.

PART V.—Roofs.

Rafters.

22. In the roofs of domestic buildings public buildings and warehouse buildings the least cross section of the several rafters shall be of the following size and strength or shall be of equal strength therewith (that is to say) :—

Length up to 6 feet.

(1) Every rafter not exceeding six feet in clear bearing shall be three inches in depth and two-and-a-half inches in thickness :

6 to 7½ feet.

(2) Every rafter exceeding six feet and not exceeding seven-and-a-half feet in clear bearing shall be three inches in depth and three inches in thickness :

7½ to 9 feet.

(3) Every rafter exceeding seven-and-a-half feet and not exceeding nine feet in clear bearing shall be four inches in depth and three inches in thickness.

Purlins.

23. In the roofs of domestic buildings public buildings and warehouse buildings the least cross section of the several purlins shall be of the following size and strength or shall be of equal strength therewith (that is to say) :—

Length up to 6 ft. 4 in.

(1) All purlins not exceeding six feet four inches in clear bearing and not more than six feet apart shall be five inches in depth and three inches in thickness or if more than six feet and not more than seven-and-a-half feet apart five-and-a-half inches in depth and three inches in thickness or if more than seven-and-a-half feet and not more than nine feet apart six inches in depth and three inches in thickness :

6 ft. 4 in. to 8 ft. 4 in.

(2) All purlins exceeding six feet four inches and not exceeding eight feet four inches in clear bearing and not more than six feet apart shall be six inches in depth and four inches in thickness or if more than six feet and not more than seven-and-a-half feet apart six-and-a-half inches in depth and four inches in thickness or if more than seven-and-a-half feet and not more than nine feet apart seven inches in depth and four inches in thickness :

8 ft. 4 in. to 10 ft. 4 in.

(3) All purlins exceeding eight feet four inches and not exceeding ten feet four inches in clear bearing and not more than six feet apart shall be seven inches in depth and five inches in thickness or if more than six feet and not more than seven-and-a-half feet apart seven-and-a-half inches in depth and five inches in thickness or if more than seven-and-a-half feet and not more than nine feet apart eight inches in depth and five inches in thickness :

10 ft. 4 in. to 12 ft. 4 in.

(4) All purlins exceeding ten feet four inches and not exceeding twelve feet four inches in clear bearing and not more than six feet apart shall be eight inches in depth and six inches in thickness or if more than six feet and not more than seven-and-a-half feet apart eight-and-a-half inches in depth and six inches in thickness or if more than seven-and-a-half feet and not more than nine feet apart nine inches in depth and six inches in thickness :

12 ft. 4 in. to 14 ft. 4 in.

(5) All purlins exceeding twelve feet four inches and not exceeding fourteen feet four inches in clear bearing and not more than six feet apart shall be nine inches in depth and six inches in thickness or if more than six feet

and not more than seven-and-a-half feet apart nine-and-a-half inches in depth and six inches in thickness or if more than seven-and a-half feet and not more than nine feet apart ten inches in depth and six inches in thickness :	
(6) All purlins exceeding fourteen feet four inches and not exceeding sixteen feet four inches in clear bearing and not more than six feet apart shall be eleven inches in depth and six inches in thickness or if more than six feet and not more than seven-and-a-half feet apart eleven-and-a-half inches in depth and six inches in thickness or if more than seven-and-a-half feet and not more than nine feet apart twelve inches in depth and six inches in thickness :	14 ft. 4 in. to 16 ft. 4 in.
(7) All purlins exceeding sixteen feet four inches and not exceeding eighteen feet four inches in clear bearing and not more than six feet apart shall be eleven inches in depth and seven inches in thickness or if more than six feet and not more than seven-and-a-half feet apart eleven-and-a-half inches in depth and seven inches in thickness or if more than seven-and-a-half feet and not more than nine feet apart twelve inches in depth and seven inches in thickness :	16 ft 4 in. to 18 ft. 4 in.
(8) All purlins exceeding eighteen feet four inches and not exceeding twenty feet four inches in clear bearing and not more than six feet apart shall be twelve inches in depth and eight inches in thickness or if more than six feet and not more than seven-and-a-half feet apart twelve-and-a-half inches in depth and eight inches in thickness or if more than seven-and-a-half feet and not more than nine feet apart thirteen inches in depth and eight inches in thickness.	18 ft. 4 in. to 20 ft. 4 in.

SCHEDULE (C).

I. REGULATIONS AS TO FOOTINGS.

(1) Footings shall have in the lowest and widest part thereof a continuous projection beyond the face of each side or end of the wall pier or chimney to an extent not less than one half of the thickness of the wall pier or chimney at its base unless an adjoining wall or the ground of another owner interferes in which case the projection of the footings and of the foundations may be omitted where that wall or ground adjoins.

(2) The height from the bottom of the footings to the base of the wall pier or chimney shall be not less than two thirds of the thickness of such wall pier or chimney at its base.

(3) If footings are of brick the bricks used therein shall be whole bricks properly laid and bonded and set in mortar or cement such as is in this Act specified for walls and any diminution in the projection of the footings shall be by offsets at the rate of not more than two-and-a-half inches in each course.

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(4) If footings are of stone the stones used therein shall be of suitable size and shape and shall be solidly laid with a level surface to receive the base of the wall or pier.

(5) If footings are of concrete such concrete shall be of the quality in this Act specified for walls.

II. Regulations as to Recesses.

(1) The portion of an external wall forming the back of a recess shall be at least nine inches in thickness.

(2) If the joists of any floor or the timbers of the roof are inserted or laid in or upon any external wall any recess in such wall shall be entirely covered by a sufficient arch or lintel or by properly constructed corbelling in each case at the level of at least one foot below the underside of such floor or the spring of the roof.

(3) The sides of the recess shall be at least eighteen inches distant from any other recess and from the inner face of any adjoining return wall.

(4) In each storey the area of all the recesses having backs of less thickness than that specified in Schedule A of this Act for the external wall in which the recesses are made shall not exceed one half of the area of the whole face of such wall in such storey including the recesses.

SCHEDULE (D)

PART I.—Sections and Parts of Sections of Liverpool Building Act 1842 repealed.

The whole of sections thirty-six thirty-seven forty-one forty-five forty-six forty-seven forty-eight forty-nine fifty fifty-three fifty-four fifty-six sixty-seven eighty-five eighty-six ninety and ninety-one.

In section thirty-four from the words "and if such building" to the end of the section.

In section forty the words "in the manner herein-after directed."

In section forty-four the words "and chimney backs of chimney flues" and the words "Provided always that where there is more than one storey "below the level of the street the walls of the lowest storey shall be half a "brick or four inches and a-half thicker than is otherwise required."

In section fifty-two the words "according to the rate of the building to be "erected on either side thereof or the larger of them."

In section fifty-five the words "nor shall the substance of brickwork at the "back of any fire-place or chimney be less in thickness than is required by the "said Schedule (A)."

In section sixty-one the words "of the several rates contained in the said "Schedule (A)."

In section sixty-eight the words "for outer walls and party walls respec-"tively of the rate of building intended to be raised" and the words "and

" roof of the building " and the words " the rate of which " and the words " will be."

In section seventy the words " Provided always that no corbels shall be " allowed in support of any timber " and the word " also."

In section seventy-four the words " according to the rate of building in the " said Schedule (A)."

In the last line of section eighty the words " rate of."

In section eighty-three the words " according to the rate of such building."

In section eighty-four the words " according to the rate of building on either " side of such public way road or passage."

In section one hundred and twenty-seven the definitions of " street " " court " " passage " " house " " building " and " owner " (that is to say) from the words " the word 'street' shall include " down to and including the words " profits of " any tenement."

PART II.—SECTIONS OF LIVERPOOL IMPROVEMENT ACT 1842 REPEALED.

The whole of sections one hundred and five one hundred and seven one hundred and eight one hundred and nine and one hundred and ten.

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