CHAPTER xxxviii.

An Act to extend the time for the construction of waterworks by the lord mayor aldermen and citizens of the city of Manchester to confer further powers upon them in reference to their water undertaking and the provision of trolley vehicles to authorise the supply of heat by means of hot water and steam and to make further provision in reference to the transfer of stock superannuation allowances and the health local government and improvement of the city and for other purposes. [26th July 1946.]

WHEREAS by the Manchester Corporation Act 1919 the lord mayor aldermen and citizens of the city of Manchester were empowered to construct the waterworks therein mentioned the most important works being a reservoir in the county of Westmorland to be called "Haweswater" and being an enlargement of Haweswater and an aqueduct to be called the "Haweswater aqueduct" for conveying water from Haweswater to the city of Manchester: 9 & 10 Geo. 5. c. cxix.

And whereas by section 118 of the Act of 1919 the Corporation before commencing the construction of any instalment of certain of the works authorised by that Act were required to give notice (called a "construction notice") to the Minister of Health and the councils referred to therein and thereupon the local authorities for certain areas in the neighbourhood of the aqueduct conveying water from Thirlmere to the city or of the line of the Haweswater aqueduct were empowered to give to the Corporation a notice (called a "reservation notice") requiring the Corporation to reserve for them the daily quantity of water specified in the notice:

And whereas the Corporation gave a construction notice in respect of certain of the works authorised by the Act of 1919 and some of the local authorities who were entitled to serve reservation notices served such notices:

And whereas the Corporation have constructed the said reservoir and part of the Haweswater aqueduct and have made a connection between that aqueduct and the Thirlmere aqueduct whereby water is conveyed to the city from Haweswater:

24 & 25 Geo. 5. c. xcvii. And whereas as recited in the Manchester Corporation Act 1934 the demand for water within the limits of supply of the Corporation and of the local authorities who served or were entitled to serve reservation notices proved to be less than was anticipated and the Corporation have not hitherto found it necessary to complete the Haweswater aqueduct or to construct certain of the works authorised by the Act of 1919:

And whereas by section 24 of the Act of 1934 it was provided that unless within a period of ten years after the passing of that Act the Corporation served a construction notice in respect of the remainder of the Haweswater aqueduct they should promote a Bill in Parliament affording an opportunity for reconsideration of the legislation relating to the supply of water from Haweswater without prejudice to the right of the Corporation to contend upon such reconsideration that no alteration of such legislation is required:

And whereas a construction notice in respect of the remainder of the Haweswater aqueduct has not yet been served:

And whereas having regard to the existing and prospective demand for water the Corporation have decided to complete as soon as possible the first instalment of the Haweswater aqueduct to Heaton Park reservoir in the city:

11 & 12 Geo. 5. c. li. 17 & 18 Geo. 5. c. ciii. And whereas it is expedient to extend the time for the completion of those works authorised by the Act of 1919 by the Manchester Corporation Waterworks Act 1921 or by the Manchester Corporation Act 1927 which have not yet been completed and to authorise the Corporation to construct the waterworks authorised by this Act:

And whereas by the Manchester Corporation (Trolley Vehicles) Order 1941 made by the Minister of Transport and the Manchester Corporation (Trolley Vehicles) Order 1943 made by the Minister of War Transport in virtue of their powers under the Defence (General) Regulations 1939 the Corporation were empowered to provide equip maintain and use trolley vehicles along the routes in the city and in the urban district of Chadderton in the county of Lancaster

therein mentioned and it is expedient that the powers of the Corporation should be confirmed and that they should be empowered to provide equip maintain and use trolley vehicles along a new trolley vehicle route within the urban district of Droylsden in the said county:

And whereas it is expedient to empower the Corporation to supply heat by means of hot water or steam in the Wythenshawe Ward of the city:

And whereas it is expedient that the powers of the Corporation in relation to the health local government and improvement of the city the superannuation of their officers and other matters should be enlarged as by this Act provided:

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

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

And whereas estimates have been prepared by the Corporation for and in connection with the following purposes:—

(1) The additional cost of the completion of the Haweswater aqueduct and the construction of other works authorised by the Act of 1919 the Act of 1921 and the Act of 1927 ... £7,167,000

(2) The additional cost of the construction of works in connection with the Thirlmere aqueduct including the acquisition of land for and the construction of the works authorised by Part II (Water) of this Act ... ... £ 250,000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed: 23 & 24 Geo. 5. c. 51.

And whereas a plan and section showing the lines and levels of the work authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the county council of the administra-

tive county of Lancaster which plan section and book of reference are in this Act respectively referred to as the deposited plan section and book of reference:

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

Part I.

Preliminary.

Short and collective titles.

1.—(1) This Act may be cited as the Manchester Corporation Act 1946.

(2) The Manchester Corporation Acts 1844 to 1938 and this Act may be cited jointly as the Manchester Corporation Acts 1844 to 1946.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Water.
Part III.—Trolley vehicles.
Part IV.—Wythenshawe heating undertaking.
Part V.—Streets buildings sewers and drains.
Part VI.—Nuisances and sanitary matters.
Part VII.—Superannuation.
Part VIII.—Finance.
Part IX.—Miscellaneous.
Part X.—General.

Incorporation of Lands Clauses Acts.
8 & 9 Vict. c. 18.

3. The Lands Clauses Acts except section 92 and sections 127 to 131 of the Lands Clauses Consolidation Act 1845 (so far as such Acts are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

Interpretation.
26 Geo. 5. & 1 Edw. 8. c. 49.

4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires terms to which meanings are assigned by the Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings And—

(i) "The city" means the city of Manchester;

(ii) "The Corporation" means the lord mayor aldermen and citizens of the city of Manchester;

PART I. —*cont.*

(iii) " The council " means the council of the city;

(iv) " The town clerk " " the medical officer " and " the sanitary inspector " mean respectively the town clerk the medical officer of health and any sanitary inspector of the city;

(v) " The general rate " and " the general rate fund " mean respectively the general rate and the general rate fund of the city;

(vi) " The Wythenshawe heating undertaking " means the undertaking authorised by Part IV of this Act and includes all lands stations boiler-houses properties works buildings machinery plant mains pipes apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with the supply of heat by means of hot water or steam;

(vii) " The tribunal " means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919; 9 & 10 Geo. 5. c. 57.

(viii) " The water undertaking " means the water undertaking of the Corporation;

(ix) " Trolley vehicle " means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

(x) " Contravention " in relation to any enactment bye-law order rule term condition restriction or notice includes a failure to comply with that enactment bye-law order rule term condition restriction or notice and " contravene " shall be construed accordingly;

(xi) " Daily penalty " means a penalty for each day on which an offence is continued after conviction therefor;

(xii) " Food " has the meaning assigned to it by the Food and Drugs Act 1938; 1 & 2 Geo. 6. c. 56.

(xiii) " Statutory borrowing power " includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (*a*) of subsection (1) of section 215 of the Act of 1933;

PART I. —*cont.*

(xiv) " Statutory security " means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

38 & 39 Vict. c. 83.

(xv) " The Minister " means the Minister of Health;

(xvi) " The Lands Clauses Acts " means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part II of the Town and Country Planning Act 1944 and by this Act;

7 & 8 Geo. 6. c. 47.

(xvii) " The Act of 1933 " means the Local Government Act 1933;

10 & 11 Geo. 5. c. xcvii. 14 & 15 Geo. 5. c. xcv. 20 & 21 Geo. 5. c. clxxviii. 26 Geo. 5. & 1 Edw. 8. c. cxviii.

(xviii) " The Act of 1919 " " the Act of 1920 " " the Act of 1921 " " the Act of 1924 " " the Act of 1927 " " the Act of 1930 " " the Act of 1934 " and " the Act of 1936 " mean respectively the Manchester Corporation Act 1919 the Manchester Corporation Act 1920 the Manchester Corporation Waterworks Act 1921 the Manchester Corporation Act 1924 the Manchester Corporation Act 1927 the Manchester Corporation (General Powers) Act 1930 the Manchester Corporation Act 1934 and the Manchester Corporation Act 1936.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II.

WATER.

Extension of period for completion of works.

5. The period limited by section 38 (Period for completion of works) of the Act of 1919 in its application to works authorised by that Act and works authorised by the Act of 1921 and the Act of 1927 as extended by the Act of 1934 is hereby further extended for a period of twenty years from the passing of this Act.

Power to make works and acquire lands. 4 Edw. 7. c. ccxxxv.

6.—(1) For the purpose of carrying out the works authorised by the Manchester Corporation (General Powers) Act 1904 the Corporation may make and maintain in the urban district of Urmston in the county of Lancaster an aqueduct conduit or line or lines of pipes in the lines and situations and

PART II. —*cont.*

upon the lands delineated on the deposited plan and described in the deposited book of reference and according to the levels shown on the deposited section.

(2) The Corporation may enter upon take appropriate and use all or any of the lands shown on the deposited plan and described in the deposited book of reference which they may require for the purposes of this Part of this Act.

(3) Section 28 (Subsidiary works) of the Act of 1919 shall have effect as if the deposited plan had been deposited in respect of that Act.

(4) Section 23 (For protection of Lancashire County Council in respect of main roads) of the Manchester Corporation (General Powers) Act 1904 shall apply in respect of the works authorised by this section as if those works had been authorised by the said Act of 1904.

(5) Any telegraphic or telephonic apparatus made and maintained in pursuance of section 28 of the Act of 1919 shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and subsection (2) of the said section 28 in its application to this Act shall have effect as if after the words " Provided that " at the beginning of the said subsection there were inserted the words " any telegraphic or telephonic apparatus or ". 32 & 33 Vict. c. 73.

7. The provisions of Part VI (Breaking open streets &c.) of the Third Schedule to the Water Act 1945 are hereby incorporated with this Part of this Act. Power to break open streets. 8 & 9 Geo. 6. c. 42.

8. The powers granted by this Part of this Act for the compulsory purchase of lands shall cease on the thirty-first day of December nineteen hundred and forty-nine. Period for compulsory purchase of lands.

9. If there is any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan 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 having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices that the omission misstatement 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 misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council of the administrative county of Lancaster and a duplicate thereof shall also be deposited with the Correction of errors in deposited plan and book of reference.

PART II. —*cont.*

clerk of the Urmston Urban District Council and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with the certificate.

Acquisition of parts only of certain properties.

10. No person shall be required to sell a part only of any house building or factory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determine that in the case of a house building or factory such part as is proposed to be taken can be taken without material detriment to the house building or factory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the tribunal so determine compensation shall be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house building factory park or garden.

Further powers of entry.

11. At any time after notice to treat has been served for any land which the Corporation are by this Act authorised to purchase compulsorily or for any easement or right in any such land the Corporation may after giving to the owner and occupier of the land not less than one month's notice enter on and take possession of the land or such part thereof as is specified in the notice or enter on the land in respect of which the easement or right is to be acquired without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken or for the easement or right and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Extinction of private rights of way.

12.—(1) Any private right of way over land which the Corporation are authorised by this Act to acquire compulsorily shall if they so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition by them of the land or as from the expiration of one month from the service of the notice whichever may be the later.

(2) The Corporation shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation shall in case of dispute be settled in manner provided by the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.

PART II. —*cont.*

Limits of deviation for waterworks.

13.—(1) In the construction of the work authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and they may also deviate from the levels shown on the deposited section to any extent upwards not exceeding five feet and to any extent downwards.

(2) Provided that no part of the work authorised by this Part of this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited section.

Persons under disability may grant easements &c.

14. Persons empowered by the Lands Clauses Acts to sell and convey or release any lands may subject to the provisions of those Acts and of this Act grant to the Corporation any easement or right required for the purposes of this Act over or in those lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges shall so far as applicable apply in relation to such grants and to such easements and rights:

Provided that nothing in this section shall be construed as empowering persons to grant any easement or right of water in which any other person has an interest unless that other person concurs in the grant.

PART III.

TROLLEY VEHICLES.

Definitions for Part III of Act.

15. In this Part of this Act—

"The emergency trolley vehicle routes" means the following trolley vehicle routes and the turning points included respectively therein along which the Corporation were by the Manchester Corporation (Trolley Vehicles) Order 1941 and the Manchester Corporation (Trolley Vehicles) Order 1943 respectively authorised to use trolley vehicles:—

Route No. 1 (situate in the city 6 furlongs 8.7 chains in length) commencing in Moston Lane at a point about 47 yards north-east of the junction of that lane with Brookside Road and proceeding along Moston Lane to its junction with Victoria Avenue East together with a turning point at the junction of Moston Lane with Nuthurst Road and a turning point at the junction of Moston Lane Victoria Avenue East Greengate Hollinwood Avenue and Lightbowne Road;

PART III. —*cont.*

Route No. 2 (situate partly in the city and partly in the urban district of Chadderton in the county of Lancaster 1 furlong 7.13 chains in length) commencing in Moston Lane by a junction with the northern terminus of Route No. 1 proceeding thence along Greengate to a point 3.63 chains measured in a northerly direction from the boundary of the city together with a turning point at the termination of the route;

"The new trolley vehicle route" means the trolley vehicle route authorised by section 17 (Power to use trolley vehicles on new route) of this Act.

Confirmation of powers with respect to trolley vehicle routes.

16.—(1) The provision maintenance and equipment by the Corporation of the emergency trolley vehicle routes are hereby sanctioned and confirmed and the Corporation may as part of and for the purposes of their transport undertaking—

(*a*) maintain and use trolley vehicles along those routes; and

(*b*) retain hold and use all or any standards brackets conductors mains cables wires posts poles and any other apparatus and equipment placed or erected by the Corporation in under or over the surface of any streets or roads forming the emergency trolley vehicle routes.

(2) The Manchester Corporation (Trolley Vehicles) Order 1941 and the Manchester Corporation (Trolley Vehicles) Order 1943 are hereby repealed but without prejudice to the validity of anything done in pursuance thereof.

Power to use trolley vehicles on new route.

17. The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same along the whole or any part of the following route:—

Route No. 3 (situate in the urban district of Droylsden 1 mile 5 furlongs 7.50 chains in length) commencing in Manor Road by a junction with the authorised trolley vehicle route in Manchester Road and proceeding along Manor Road Greenside Lane Springfield Road Sunnyside Road and Chappell Road and terminating at the junction of Chappell Road and Manor Road:

Provided that the powers of this section shall not be exercised until terms have been agreed between the Corporation and A. Mayne & Son Limited.

Application of Act of 1936 to emergency and new trolley vehicle routes.

18. The provisions of the Act of 1936 (except section 4 (Period for commencement of certain trolley vehicle services) thereof) in so far as those provisions relate to trolley vehicles trolley vehicle routes and matters incidental thereto and are

capable of application shall extend and apply to and in relation to the emergency trolley vehicle routes and the new trolley vehicle route as if those routes respectively were authorised by the said Act. PART III. —*cont.*

19. If the Corporation shall not have commenced to run trolley vehicles along the new trolley vehicle route within five years from the passing of this Act or such extended time as the Minister of Transport may upon the application of the Corporation allow the powers conferred by this Act with reference to the running of trolley vehicles along that route shall cease to be exerciseable. Period for commencement of trolley vehicle service.

PART IV.

WYTHENSHAWE HEATING UNDERTAKING.

20. The Corporation may supply heat by means of hot water or steam to any premises in the area of the Wythenshawe Ward of the city as at present constituted upon and subject to such terms and conditions as may be agreed between the Corporation and the owners or occupiers of those premises. Supply of heat to Wythenshawe.

21.—(1) The Corporation may on lands in the city belonging or leased to them erect lay-down maintain work and use stations boiler-houses mains pipes and other works for providing storing and distributing hot water or steam and for producing any material product matter or thing arising or used in the process of such provision of hot water or steam including the generation of electricity together with such buildings boilers engines machinery sidings matters and things of whatever description as may be required by the Corporation to enable them to provide store and distribute hot water or steam and the Corporation may accordingly on those lands provide store and distribute hot water or steam and may produce such materials products matters and things: Works for provision of heat.

Provided that—

(*a*) the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands;

(*b*) nothing in this section shall be taken to dispense with the consent of any Government department to any use of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted.

(2) Nothing in this section shall relieve the Corporation from the necessity for obtaining the consent of the Electricity Commissioners under section 11 of the Electricity (Supply) Act 1919 to the erection or construction of any new or the extension of any existing generating station. 9 & 10 Geo. 5. c. 100.

PART IV. —*cont.*

(3) Any electrical works or apparatus erected laid down maintained worked and used in pursuance of subsection (1) of this section shall be so constructed maintained worked and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

41 & 42 Vict, c. 76.

Purchase of land for Wythenshawe heating undertaking.

22.—(1) The Corporation may be authorised to purchase land compulsorily for the purposes of the Wythenshawe heating undertaking.

9 & 10 Geo. 6. c. 49.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

(3) Section 6 (Acquisition of easements) of the Act of 1934 shall apply to any land which the Corporation are for the time being authorised to acquire compulsorily for the purposes of the Wythenshawe heating undertaking.

Power to lay mains &c. and break open streets.

23.—(1) The provisions of Part V (Power to lay mains &c.) and Part VI (Breaking open streets &c.) of the Third Schedule to the Water Act 1945 are hereby incorporated with this Part of this Act.

(2) For the purposes of this Part of this Act in the construction of the enactments incorporated by this section—

"the undertakers" means the Corporation;

"supplying water" means supplying heat by means of hot water or steam and "supply of water" shall be construed accordingly;

"service pipe" means a pipe for supplying heat by means of hot water or steam from a main to any premises; and

"the limits of supply" means the area of the Wythenshawe Ward of the city as at present constituted.

Application of Public Health Act 1936 s. 119.

24. For the purposes of this Part of this Act the Corporation shall have and may exercise the powers which a local authority who supply water under the Public Health Act 1936 have under section 119 of that Act with respect to the laying and maintenance of water mains and for that purpose the mains and pipes for supplying heat by means of hot water or steam shall be deemed to be water mains.

PART IV. —*cont.*

Power to supply fittings.

25.—(1) In any premises in which the Corporation supply or propose to supply heat by means of hot water or steam they may provide and may supply by way either of sale or hire any such radiators pipes apparatus and fittings (in this Part of this Act called "fittings") as may be required and may instal repair or alter (but not manufacture) any such fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation repair or alteration.

(2) The Corporation may make such charges as may be agreed or in default of agreement as may be reasonable for any fittings supplied or any materials provided or work done under this section and where the amount does not exceed twenty pounds such charges may be recovered summarily as a civil debt.

(3) Any fittings let by the Corporation for hire and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof—

(*a*) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be; and

(*b*) shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and (subject to the provisions of the Hire Purchase Act 1938) re- 1 & 2 Geo. 6. c. 53. moveable by the Corporation:

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) All fittings supplied by the Corporation under any hire purchase agreement shall until payment of the final instalment of the purchase money for such fittings be deemed for the purposes of subsection (3) of this section to be fittings let for hire by the Corporation.

(5) (*a*) The Corporation shall so adjust the charges to be made by them under this section as to meet any expenditure by them thereunder including interest upon any moneys borrowed for the purposes thereof and any sums carried to a sinking fund for repayment of moneys so borrowed.

(*b*) The total sums expended and received by the Corporation in connection with the purposes of this section in each year including interest and any sums carried to a sinking fund shall be separately shown in the published accounts of the Corporation for that year.

PART IV. —*cont.*

(6) If any person wilfully or negligently injures or suffers to be injured any fittings belonging to the Corporation he shall be liable to a penalty not exceeding five pounds and the Corporation may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender and if the amount does not exceed twenty pounds summarily as a civil debt.

Collection and recovery of heating charges.

26.—(1) The Corporation may from time to time prescribe a scale of charges (in this section called " heating charges ") for heat supplied to premises under the powers of this Act and where heat is so supplied to any premises the heating charges in accordance with the scale shall be payable by the occupier of those premises except in any case where the owner has agreed to pay the same in which case they shall be payable by the owner.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by the Corporation either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt and subject as hereinafter provided where a person fails to pay within seven days after a demand therefor any instalment of a heating charge payable by him in respect of any premises the Corporation may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the instalment due:

Provided that if before the expiration of the said seven days notice in writing is given to them that there is a dispute as to the amount due in respect of the heating charge or as to the liability to pay the charge they shall not cut off the supply of heat until the dispute has on the application of either party been determined by a court of competent jurisdiction.

Power to enter premises.

27.—(1) Subject to the provisions of this section any authorised officer of the Corporation shall on producing if so required some duly authenticated document showing his authority have a right to enter any premises in the city at all reasonable hours—

(*a*) for the purpose of inspecting and examining any fittings whether belonging to the Corporation or not;

(*b*) for the purpose of ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act;

(*c*) for the purpose of ascertaining whether or not circumstances exist which would authorise the Corporation

to take any action or execute any work under this Part of this Act;

(*d*) for the purpose of taking any action or executing any work authorised or required by this Part of this Act to be taken or executed by the Corporation:

Provided that admission to any premises not being a factory workshop or workplace shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(*a*) that admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and

(*b*) that there is reasonable ground for entry into the premises for any such purpose as aforesaid;

the justice may by warrant under his hand authorise the Corporation by any authorised officer to enter the premises if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

PART IV. —*cont.* Financial provisions.

28. For the purposes of section 86 (Receipts and expenses) section 87 (Accounts) section 88 (which relates to the application of the general rate fund for certain purposes) and section 89 (Reserve funds) of the Act of 1934 the Wythenshawe heating undertaking shall be one of the Corporation undertakings.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

No buildings to be erected until street formed.

29.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected abutting on such new street or part of a new street if required by the Corporation so to do construct the carriageway of such new street or such part of the new street as may be required by the Corporation in accordance with the byelaws for the time being in force with respect to new streets and shall also if required sewer such street or such part of such street:

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Corporation shall not be empowered to require the same to be constructed in its entire length by one operation but such new street may be constructed in parts and in that event nothing in this section shall prevent the erection of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with.

(2) Where under this section a person is required to construct the carriageway of a new street or any part thereof or to sewer such a street or part thereof the works shall be executed to the satisfaction of the Corporation and so as to comply with such specification as the Corporation may reasonably require:

Provided that this subsection shall not apply if the Corporation are satisfied that the new street is not intended to be dedicated to the public.

(3) The execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 or under the local Acts for the time being in force within the city.

38 & 39 Vict. c. 55.
55 & 56 Vict. c. 57.

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

PART V. —*cont.*

Maintenance of footpaths &c.

30.—(1) The owner of every house fronting adjoining or abutting on a highway which is not repairable by the inhabitants at large shall maintain the footpath on the frontage of such house and the approach to such house from the highway in accordance with the reasonable requirements of the Corporation.

(2) Any person who contravenes the provisions of this section after receiving notice from the Corporation shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

Demolition of buildings.

31.—(1) As from the commencement of this section no person shall commence to demolish or take down any building or part thereof within the city except with the consent of the Corporation which may be given upon and subject to such terms and conditions as they think fit including terms and conditions requiring—

(*a*) the shoring up of adjacent buildings; and

(*b*) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site;

to the satisfaction of the Corporation within a reasonable time to be prescribed by the Corporation:

Provided that this section shall not apply to the demolition or taking down of an internal part of a building if such demolition or taking down is incidental to an internal alteration of the building the use of which it is intended to continue.

(2) Where an application is made to the Corporation under this section for their consent to the demolition or taking down of any building or part thereof and such application is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the Corporation shall be deemed to have granted the application unconditionally unless within six weeks from the receipt thereof or within such longer period as the applicant may agree in writing to allow they give notice to him that they have decided to the contrary.

(3) If any term or condition imposed under this section is not complied with within the time therein prescribed the Corporation may themselves enter upon the building and the site thereof and carry out the work and may sell or dispose of any material or rubbish found on the site.

(4) All expenses incurred by the Corporation under subsection (3) of this section may be recovered by the Corporation from the owner of the site of the demolished building.

PART V. —*cont*

(5) Any person who contravenes the provisions of this section or of any term or condition imposed under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(6) Nothing in this section shall apply in relation to any building belonging to any statutory undertakers and held by them for the purposes of their undertaking:

Provided that the exemption conferred by this subsection shall not extend to houses or to buildings last used before demolition as offices or showrooms other than buildings so used which form part of a railway station.

As to neglected sites.

32.—(1) In this section "neglected site" means the site of a demolished partly demolished or ruinous building in the city which is in such a condition as to be prejudicial to the property in or the inhabitants of the neighbourhood.

(2) The Corporation may by notice require the owner of any neglected site to execute such work as may be necessary—

(*a*) in the case of a demolished building to remove from the site any material or rubbish;

(*b*) in the case of a partly demolished or ruinous building to complete the demolition of the building and remove from the site any material or rubbish;

within a reasonable time to be specified in the notice.

(3) A notice given under this section shall state the right of appeal to a court of summary jurisdiction and the time within which an appeal may be brought.

(4) If the owner of the site fails to execute the work specified in the notice within the time specified therein the Corporation may enter upon the neglected site and execute the work and may sell or dispose of any material or rubbish found on the neglected site.

(5) All expenses incurred by the Corporation under subsection (4) of this section may be recovered by the Corporation from the owner of the neglected site.

Recovery of cost of maintaining sewers.

33. Section 24 (Power of local authority to recover cost of maintaining certain lengths of public sewers) of the Public Health Act 1936 shall within the city have effect as if the following were substituted for the proviso to subsection (1) of that section:—

"Provided that unless in the opinion of the medical officer of health or any sanitary inspector immediate action is necessary notice of the work proposed to be undertaken shall be given to the owners of

PART V. —*cont.*

any premises known by the local authority to be served by the length of sewer in question not less than seven days before the work is commenced and the local authority shall consider any representations as to the need for and reasonableness of the proposed work which may be made to them by any of those owners within seven days of the service of the notice."

Further power to examine and test drains &c. believed to be defective.

34. The powers of section 48 (Power of local authority to examine and test drains &c. believed to be defective) of the Public Health Act 1936 may be exercised in pursuance of any general or special directions given by the Corporation in any case where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance or that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water.

PART VI.

NUISANCES AND SANITARY MATTERS.

Prohibition of smoke in certain areas.

35.—(1) In this section—

"the central area" means the area in the city which is bounded by the following highways or streets that is to say St. Mary's Gate Market Street Piccadilly Portland Street Oxford Street Peter Street and Deansgate;

"smoke" includes soot ash grit and gritty particles.

(2) As from the commencement of this section no smoke shall be emitted from any premises in the central area.

(3) The occupier of any premises in the central area from which smoke is emitted shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(4) (*a*) The foregoing provisions of this section may by order made by the Corporation and confirmed by the Minister be extended and applied to any area or areas within the city which may be prescribed in such order.

(*b*) Before submitting an order under this subsection to the Minister the Corporation shall publish in the London Gazette and in one or more local newspapers circulating in the city a notice—

(i) stating that such an order has been made and is about to be submitted to the Minister for confirmation;

PART VI. —*cont.*

(ii) stating the general effect of the order;

(iii) describing the area or areas to which the order applies; and

(iv) stating that within the period of twenty-eight days after a date named in the notice not being earlier than the first publication thereof any person may object to the confirmation of the order by giving notice in writing to the Minister and sending a copy of such notice to the town clerk.

(*c*) If no objection is duly made or if all objections so made are withdrawn then the Minister may if he thinks fit confirm the order with or without modification but in any other case he shall before confirming the order cause a local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then confirm the order either with or without modification.

(5) An order made under the foregoing subsection may—

(*a*) in relation to any premises specified in the order—

(i) provide that the premises shall be excluded from the area;

(ii) provide that the operation of the order to the premises shall be deferred for such period as may be specified;

(*b*) provide that the operation of the order to premises used for any of the following processes shall be deferred for such period as may be specified or indefinitely:—

(i) the working of a mine;

(ii) the smelting of ores and minerals;

(iii) the calcining puddling and rolling of iron and other metals; and

(iv) the conversion of pig iron into wrought iron or the reheating annealing hardening forging converting and carburising of iron and other metals:

Provided that no premises shall be excluded from the operation of the order on the ground that they are used for any of the said processes unless the Minister is satisfied that the inclusion of the premises within the operation of the order would obstruct or interfere with any such processes.

(6) An order made under this section shall come into operation on but not until such date as may be specified in the order which shall be not less than six months after the date of the first publication of the notice of the confirmation of the order.

PART VI. —*cont.*

(7) So soon as may be after an order made under this section has been confirmed by the Minister the Corporation shall publish in one or more local newspapers circulating in the city a notice stating that the order has been confirmed and naming a place where a copy of the order as confirmed may be seen at all reasonable hours and shall serve a like notice on every person who having given notice to the Minister of his objection to the order appeared at the public inquiry in support of his objection.

(8) A copy of a newspaper containing a notice published in pursuance of this section shall be sufficient evidence of the publication of the notice.

(9) An order under this section may contain such provisions as the Minister may think expedient—

(*a*) for enabling the lessee or tenant of any premises within the area to which the order relates who has to incur expense in executing works or providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the order and the owner of such premises to enter into and fulfil agreements making such variations of the terms of the lease or tenancy of the premises as may be reasonable having regard to the expense to be incurred and to other relevant circumstances; and

(*b*) for enabling any such lessee or tenant who has been unable to make an agreement with the owner thereof under paragraph (*a*) of this subsection to apply to the county court for an order making such variations of the terms of the lease or tenancy of the premises as aforesaid and for enabling the court to make such an order.

(10) An order under this section may be varied or revoked by another order made by the Corporation and confirmed by the Minister.

(11) Nothing in this section or in an order made thereunder shall apply to smoke emitted from a railway locomotive.

(12) Subsections (2) to (5) of section two hundred and ninety of the Act of 1933 (which relate to the giving of evidence at and defraying the costs of local inquiries) shall apply to a local inquiry held in pursuance of this section as they apply to the local inquiries mentioned in subsection (1) of the said section two hundred and ninety.

(13) The Corporation may if they think fit contribute the whole or part of the expense necessarily incurred by any person in executing works or in providing altering or adapting

PART VI. —*cont.*

any fixtures fittings or appliances for the purpose of complying with—

(*a*) the provisions of subsection (2) of this section; or

(*b*) the provisions of any order made by the Corporation and confirmed by the Minister under this section.

Prevention of smoke from industrial furnaces.

36.—(1) No person shall instal in any building whether erected before or after the passing of this Act any furnace for steam raising or for any manufacturing or trade purpose unless such furnace is so far as practicable capable of being operated continuously without emitting smoke.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

(3) If a person before installing in a building a furnace to which this section applies submits to the Corporation plans proposals and particulars of the proposed furnace and furnishes them with such other necessary information in regard thereto as they may require the Corporation shall within a period of six weeks from the date upon which such plans proposals particulars and information are received by them serve a notice upon such person stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke and if they are so satisfied or if they do not serve a notice upon such person before the expiration of the said period of six weeks no proceedings shall be taken against him under this section in respect of the installation of that furnace in accordance with the plans proposals particulars and information so submitted and furnished.

(4) In determining for the purposes of this section whether a furnace is so far as practicable capable of being operated continuously without emitting smoke the Corporation or a court shall if either of the parties so desire have regard to cost and to local conditions and circumstances.

Prohibition on sale of verminous articles.

37.—(1) No dealer shall sell or expose for sale any furniture mattress bed-linen clothing or similar article (in this section called " article ") if the same are to his knowledge infested with bugs or other vermin or if by taking reasonable precautions he could have known the same to be so infested.

(2) If a dealer contravenes the provisions of this section he shall be liable to a penalty not exceeding five pounds and the Corporation upon a certificate of the medical officer or the sanitary inspector may remove any such verminous article and cause the same to be cleansed purified disinfected or destroyed as the case may require and may recover the cost of so doing from such dealer.

PART VI. —*cont.*

(3) (*a*) The Medical officer and the sanitary inspector may enter any premises in which any article is sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section or for the purpose of removing any verminous article.

(*b*) Every person who refuses to permit the medical officer or the sanitary inspector to enter any premises or make any inspection which he is authorised under the provisions of this section to enter or make or obstructs him in the execution of his duty under such provisions shall be liable to a penalty not exceeding five pounds.

(4) For the purposes of this section " dealer " means any person who trades or deals in any of the articles referred to in this section.

Cleansing of filthy or verminous premises.

38. Section 83 (Cleansing of filthy or verminous premises) of the Public Health Act 1936 shall within the city have effect as if the following were substituted for subsection (1) of that section:—

" (1) Where it appears to the local authority upon a certificate of the medical officer of health or any sanitary inspector that any premises—

(*a*) are in such a filthy or unwholesome condition as to be prejudicial to health; or

(*b*) are verminous;

the authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises—

(i) by cleansing and disinfecting them;

(ii) by distempering or whitewashing the interior surface thereof or in the case of premises used for human habitation or as shops or offices by papering or painting the said interior surface;

and the notice may require among other things the removal of wallpaper or other covering on the walls and in the case of verminous premises the taking of such other steps as may be necessary for the purpose of destroying or removing vermin."

Power to require persons to vacate premises during fumigation.

39.—(1) If the Corporation take action under paragraph (*b*) of subsection (1) of section 83 (Cleansing of filthy or verminous premises) of the Public Health Act 1936 as amended by this Act in its application to the city and in the opinion of the Corporation it is necessary to use gas to destroy vermin on the premises they may serve notices on the occupiers of

PART VI. —*cont.*

premises in the fumigation area and the risk area as defined in the Hydrogen Cyanide (Fumigation of Buildings) Regulations in force for the time being requiring all persons to vacate those premises during such period as may be specified by the Corporation:

Provided that the Corporation shall not require any person to vacate his premises under this section unless temporary shelter or house accommodation shall have been provided for him.

(2) Any person who contravenes a notice served under this section shall be liable to a penalty not exceeding five pounds.

(3) The Corporation may pay to any person required to vacate premises in pursuance of the powers contained in this section such reasonable allowance as they think fit towards his expenses in removing.

(4) The Rent and Mortgage Interest Restrictions Acts 1920 to 1939 shall not be deemed to cease to apply to a house or premises by reason only of the fact that such house or premises have been vacated in compliance with a notice served under this section.

Noise nuisance.

40.—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Public Health Act 1936:

Provided that no complaint to a justice under section 99 of the said Act shall be of any effect unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance which is the subject of the complaint.

(2) In any proceedings under the Public Health Act 1936 in respect of a noise nuisance occasioned in the course of any trade business or occupation it shall be a good defence for the person charged to show that he has used the best practicable means of preventing or mitigating the nuisance having regard to the cost and to other relevant circumstances.

(3) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise which is injurious or dangerous to health.

(4) Nothing contained in this section shall apply to a railway company or their servants exercising statutory powers.

(5) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Act of 1933.

PART VI. —*cont.*

Registration of hawkers of food and premises.

41.—(1) As from the commencement of this section the following provisions shall have effect:—

(*a*) any person other than a person keeping open shop for the sale of food who shall by himself or by any person employed by him sell or offer or expose for sale any food from any cart barrow or other vehicle or from any basket pail tray or other receptacle; and

(*b*) any premises used or proposed to be used as storage accommodation for any food intended for sale from any such vehicle or receptacle;

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

(2) (*a*) No person other than a person keeping open shop for the sale of food shall by himself or by any person employed by him sell or offer or expose for sale any food from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is so registered as aforesaid.

(*b*) No premises shall be used as storage accommodation for any food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle unless such premises are so registered as aforesaid.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(4) (*a*) The Corporation may refuse to register any such person or premises as is or are referred to in subsection (1) of this section or (after giving one month's notice to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises if they are satisfied (as regards any such person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality storage or distribution of the food and (as regards any such premises) that they are not suitable to be used for the purposes aforesaid:

Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name such premises are registered a notice to appear before a committee of the Council not less than seven days after the date of the notice to show cause why the Corporation should not

PART VI. —*cont.*

for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises Any such notice shall state the effect of paragraphs (*b*) and (*c*) of this subsection.

(*b*) If the Corporation refuse to register or revoke the registration of any such person or premises they shall if required by the person applying for such registration or the person registered or in whose name the premises are registered deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

(*c*) Any person appealing to a court of summary jurisdiction under section 64 (Appeals) of this Act against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

(5) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the city in respect of which an application has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle.

(6) The Corporation shall keep a register of the persons and premises registered under the provisions of this section.

(7) The provisions of this section shall not apply to any premises registered under section 14 (Registration of premises used in connection with the manufacture or sale of ice-cream or preserved food &c.) of the Food and Drugs Act 1938 or to any dairy or dairyman registered under Part II (Provisions as to milk dairies and artificial cream) of that Act or under any regulations made thereunder.

(8) The provisions of this section shall not apply to any premises used as a theatre cinematograph theatre music hall or concert hall or to any person in respect of the sale or offer or exposure for sale of any food in any such premises.

Registration of hairdressers and barbers and premises.

42.—(1) As from the commencement of this section every person who shall within the city carry on the trade or business of a hairdresser or barber shall register his name and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Corporation for the purpose.

PART VI. —*cont.*

(2) The Corporation may make byelaws for the purpose of securing—

(*a*) the cleanliness of any premises registered under this section and of the instruments towels materials and equipment used therein; and

(*b*) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(3) The person registered shall keep a copy of the byelaws made by the Corporation under this section displayed in the registered premises.

(4) (*a*) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in the city in which the Corporation may have reasonable cause to suppose that the said trade or business is being carried on:

Provided that the powers conferred by this subsection of entering premises for the purpose of examining whether there is any contravention of any byelaw made for the purposes mentioned in paragraph (*b*) of subsection (2) of this section shall not be exercised by any officer except the medical officer or the sanitary inspector.

(*b*) Every person who refuses to permit any officer or authorised representative of the Corporation to enter or inspect any premises which such officer or authorised representative is authorised under the provisions of this section to enter or inspect or obstructs any such officer or representative in the execution of his duty under such provisions or under the provisions of any byelaw made under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(5) Any person carrying on such trade or business as aforesaid whose name place of abode and premises in which such trade or business is carried on have not been registered in accordance with subsection (1) of this section or whose registration has been cancelled or suspended as hereinafter provided or who contravenes any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound and a court of summary jurisdiction may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration.

PART VI. —*cont.*

Application of Part III of Public Health Act 1936 to statutory undertakers.

43. For the removal of doubt it is hereby declared that without prejudice to the provisions contained in any other part of the Public Health Act 1936 the provisions of Part III of that Act shall in the city apply to the premises of statutory undertakers.

PART VII.

SUPERANNUATION.

Collective title and definitions.

44.—(1) The Manchester Corporation (Superannuation) Acts 1920 to 1934 and this Part of this Act may be cited jointly as the Manchester Corporation (Superannuation) Acts 1920 to 1946.

(2) In this Part of this Act the words and expressions to which meanings are assigned by section 57 of the Act of 1920 or section 76 of the Act of 1934 have the same meanings unless there be something in the subject or context repugnant to such construction.

Annuities for spouses and dependants.

45.—(1) The provisions of this section shall apply to a contributor who so requests the Corporation in writing within one month before any date on which he would if he ceased to hold his office or employment become entitled to a superannuation allowance under paragraph (2) or paragraph (3) of section 60 of the Act of 1920 unless the Corporation notify him within one month after receiving such request that they do not intend to comply with it on the ground that in their opinion the state of his health (regard being had to his age) is not reasonably satisfactory.

(2) The amount of every payment of the superannuation allowance payable to a contributor to whom this section applies shall be reduced in accordance with a table made for the purpose by the Corporation from time to time on the advice of the actuary.

(3) If the spouse of a contributor to whom this section applies being—

(*a*) the spouse to whom he is married on the date on which he becomes entitled to a superannuation allowance under paragraph (2) or paragraph (3) of the said section 60 and who has not ceased to be his spouse at the date of the contributor's death; or

(*b*) the spouse to whom he is married at the date of his death if he dies before ceasing to hold his office or employment and if had he so ceased immediately before his death he would have been entitled to a superannuation allowance under paragraph (2) or paragraph (3) of the said section 60;

PART VII. —*cont.*

survives the contributor such spouse shall be entitled to receive for life out of the superannuation fund from the date of the contributor's death an annuity equal to one-third of the annual amount of the superannuation allowance which would have been payable to the contributor had it not been reduced under subsection (2) of this section.

(4) (*a*) Subsection (2) of section 64 (Payments in case of death of contributor) of the Act of 1920 shall not apply to a contributor to whom this section applies.

(*b*) If a contributor to whom this section applies and who has ceased to hold his office or employment dies before the date when if this section had not applied to him he would have received by way of superannuation allowance an amount in the aggregate equal to the amount of his contributions to the superannuation fund with compound interest thereon at four per centum per annum calculated by half-yearly rests the Corporation shall pay to his personal representatives the difference between the amount which the contributor would have received at the date of his death had this section not applied to him and the sum to which his contributions to such fund with interest calculated as aforesaid amounted at the date when he ceased to hold his office or employment.

(5) A contributor may make the request referred to in subsection (1) of this section in respect of the whole or a specified proportion of the superannuation allowance payable to him and where such a request relates to a proportion of a superannuation allowance references in this section (except in subsections (4) and (6)) to the superannuation allowance shall be construed as references to such specified proportion.

(6) Where the superannuation allowance which would have been payable to a contributor if the provisions of this section did not apply to him exceeds the sum of one thousand pounds per annum the provisions of this section shall apply to him only in respect of that sum and the balance of his superannuation allowance shall be paid to him as if this section did not apply to him.

(7) With the consent of the Corporation and provided that the Corporation are satisfied that the person named is dependent upon the contributor a contributor in making the request referred to in subsection (1) of this section may nominate a person who is dependent upon him (in this section referred to as a " dependant ") to receive the annuity payable under subsection (3) of this section (whether or not the contributor has a spouse) and if the Corporation consent to such a nomination this section shall take effect as if such dependant

PART VII. —*cont.*

were the spouse of the contributor subject to such modifications of the table prescribed under subsection (2) of this section as may be made by the Corporation on the advice of the actuary.

(8) Without prejudice to the right of the Corporation to decline to comply with a request made by a contributor under subsection (1) of this section no cancellation or variation of a contributor's request shall be allowed after the expiration of a period of one month from the date upon which he receives from the Corporation notice in writing of the amount of the reduction proposed to be made in accordance with subsection (2) or subsection (7) of this section in the superannuation allowance payable to him.

(9) The provisions of section 78 (Assignment &c.) of the Act of 1920 and of any rules made thereunder so far as they are applicable shall apply to every annuity payable under this section.

(10) Section 79 (Annuities for widows) of the Act of 1934 is hereby repealed:

Provided that notwithstanding the repeal of the said section it shall continue to apply to any contributor who gave notice under subsection (1) of that section before the passing of this Act.

Widows' and orphans' pensions fund.

46.—(1) The trust deed dated the third day of April nineteen hundred and thirty-nine and set forth in the First Schedule to this Act is hereby confirmed and shall have and as from the first day of April nineteen hundred and thirty-nine shall be deemed to have had full force and effect:

Provided that as from the date of the passing of this Act (but not so as to prejudice or affect anything done before or any rights or liabilities existing at that date) the said trust deed shall have effect as if—

(*a*) the proviso to the definition of the expression "incapacity pensioner" in clause 1 were omitted;

(*b*) for sub-paragraph (*b*) of paragraph (4) of clause 4 there were substituted the following—

"(*b*) who could make provision for an annuity for his widow under the provisions of section 45 (Annuities for spouses and dependants) of the Manchester Corporation Act 1946":

(*c*) for the words "or on becoming eligible for the provisions of section 79 of the Act of 1934 (as amended by any future enactment)" in the opening paragraph of rule 4 (1) contained in the schedule and

for the words " or on becoming eligible for the provisions of section 79 of the Act of 1934 " wherever those words occur in paragraph (1) (*b*) (i) and in paragraph (2) of the said rule 4 there were substituted the words " or on becoming eligible to make provision for an annuity for his widow under the provisions of section 45 (Annuities for spouses and dependants) of the Manchester Corporation Act 1946 ";

(*d*) for the words " became subject " in paragraph (1) (*b*) (i) of the said rule 4 there were substituted the words " became eligible ".

(2) The provisions of the last foregoing section (except subsections (5) and (7) thereof) shall automatically apply to every member of the fund who is married on the date (hereafter in this subsection referred to as " the material date ") when—

(*a*) he first becomes entitled to provide an annuity for his widow under that section; or

(*b*) he becomes entitled to a superannuation allowance under paragraph (1) of section 60 of the Act of 1920 after attaining the age of sixty years;

and in this section such a member is called a " married member " and the provisions of subsection (1) of the last foregoing section about a contributor requesting the Corporation that the provisions of the section should apply to him and about the right of the Corporation to decline to comply with his request shall not apply to a married member:

Provided that if a married member who was a member of the fund at the date of the passing of this Act gives notice in writing to the Corporation before the material date of his desire that the provisions of the last foregoing section shall not apply to him in respect of his wife those provisions shall not apply accordingly.

(3) Nothing in this section shall prevent a married member from making a request to the Corporation to take advantage of the provisions of subsections (5) and (7) of the last foregoing section like any other contributor but a married member shall not be allowed to avail himself of the provisions of subsection (5) aforesaid without the consent of the Corporation.

(4) In exceptional circumstances the Corporation may agree at the request of a married member that the provisions of the last foregoing section shall not apply to him in respect of his wife.

PART VII. —*cont.*

(5) In this section the expressions "member" and "fund" have the meanings assigned to them by the trust deed mentioned in subsection (1) of this section.

Female nurses midwives and health visitors.

47.—(1) In the case of contributors who are female nurses midwives or health visitors the age of compulsory retirement shall be sixty years instead of sixty-five years and accordingly in the application of the Manchester Corporation (Superannuation) Acts 1920 to 1946 to any such contributor—

(*a*) in section 58 (Retirements on account of age) of the Act of 1920 sixty years shall be substituted for sixty-five years; and

(*b*) in section 60 (Title to superannuation allowance) of the Act of 1920 thirty years shall be substituted for forty years fifty-five years for sixty years and sixty years for sixty-five years:

Provided that the foregoing provisions of this subsection shall not apply to any nurse midwife or health visitor who is employed as such at the date of the passing of this Act unless within three months thereafter she gives notice in writing to the Corporation that she desires those provisions to apply to her.

(2) In this section the expression "health visitor" means a woman (not being a registered medical practitioner) appointed by the Corporation as a whole-time employee whose duties include the visiting of women and children in their homes for the purpose of giving advice as to the nurture care and management of young children and as to the health of expectant and nursing mothers or the visiting of the homes of persons suffering from tuberculosis for the purpose of giving advice as to the care and hygiene of such persons and as to the measures necessary to prevent the spread of infection.

PART VIII.

FINANCE.

Power to borrow.

48.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods

as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table:— PART VIII. —*cont.*

(1) Purpose.	(2) Amount.	(3) Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(*a*) The additional cost of the completion of the Hawes-water aqueduct and the construction of other works authorised by the Act of 1919 the Act of 1921 and the Act of 1927.	£7,167,000	Eighty years.
(*b*) The additional cost of the construction of works in connection with the Thirlmere aqueduct including the acquisition of land for and the construction of the works authorised by Part II (Water) of this Act.	£250,000	Forty years.
(*c*) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

(3) In the application of the provisions of Part IX of the Act of 1933 to the borrowing of money for the following purposes the sanctioning authority shall be:—

(*a*) as regards the purposes of Part III (Trolley vehicles) of this Act the Minister of Transport; and

(*b*) as regards the purposes of Part IV (Wythenshawe heating undertaking) of this Act the Minister.

Saving for powers of Treasury. 2 & 3 Geo. 6. c. 62. 9 Geo. 6. c. 10.

49. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act 1945 or so long as the borrowing of

PART VIII. —*cont.*
9 & 10 Geo. 6. c. 58.

money in Great Britain without the consent of the Treasury is prohibited by an order made under the Borrowing (Control and Guarantees) Act 1946 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

As to exercise of borrowing powers.
8 & 9 Geo. 6. c. 18.

50. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

Transfer of stock.

51.—(1) In this section and in the Second Schedule to this Act—

"the appointed day" means the first day of October nineteen hundred and forty-six;

54 & 55 Vict. c. clxxxi.

"the Act of 1891" means the Manchester Ship Canal Act 1891;

"stock" means Corporation stock issued under the Act of 1891.

(2) As from the appointed day—

(*a*) stock shall cease to be transferable in the manner provided by section 44 (Transfer in books) and section 45 (Transfer by deed) of the Act of 1891 and shall in law be transferable by deed and in no other manner;

(*b*) the provisions contained in the Second Schedule to this Act shall have effect for the purposes of and in connection with the issue of certificates for and the registration and transfer of stock and the payment of dividends and redemption moneys in respect thereof;

(*c*) the provisions of the Act of 1891 mentioned in the Third Schedule to this Act are hereby repealed.

2 & 3 Geo. 6. c. 100.

(3) Where an instrument of transfer of stock executed in accordance with the Government and other Stocks (Emergency Provisions) Act 1939 has been delivered to the registrar appointed under the Act of 1891 but has not been given effect to before the appointed day the provisions of the Second Schedule to this Act shall apply in relation to the transfer of that stock.

(4) A power of attorney in force immediately before the appointed day authorising any person to effect transfers of stock shall remain in force and shall be construed as authorising that person to effect transfers of stock in accordance with the provisions of the Second Schedule to this Act.

(5) Nothing in this Act shall affect any stock in respect of which a stock certificate to bearer issued under section 56 (Provisions respecting stock certificates with coupons to bearer) of the Act of 1891 is for the time being outstanding or any other bearer security.

PART IX.

MISCELLANEOUS.

Supply of steam and hot water from electricity premises.

52. Section 15 of the Act of 1930 (which empowers the Corporation to supply steam to any premises situate in the city and within one mile from any electricity generating station of the Corporation) shall extend also—

(1) to the supply of hot water; and

(2) to the supply to premises situate in the city and within one mile from any premises forming part of the electricity undertaking of the Corporation;

and that section shall accordingly be amended—

(*a*) by the insertion of the words " or hot water " after the word " steam " wherever that word is used; and

(*b*) by substituting the following for the first paragraph of subsection (1):—

" The Corporation and the owner or occupier of any premises situate in the city and within one mile from any premises forming part of the electricity undertaking of the Corporation may enter into and carry into effect agreements for and in relation to the supply of steam or hot water by the Corporation to such owner or occupier."

School agreements.

53.—(1) Any agreement entered into between the Corporation and the parent or guardian of a pupil at any secondary school may make provision for the payment by such parent or guardian to the Corporation of any sum not exceeding ten pounds in the event of the pupil ceasing without reasonable cause to attend such school before the date fixed by such agreement for the pupil to cease such attendance and the Corporation shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend such school to recover from such parent or guardian any sum not exceeding the sum specified in the agreement which the court may think fit to award in all the circumstances of the case.

(2) For the purposes of this section the expression " secondary school " includes—

(*a*) a secondary school as defined by section 114 of the Education Act 1944; and 7 & 8 Geo. 6. c. 31.

(*b*) a school in respect of which grants are paid by the Minister of Education under regulations made in pursuance of paragraph (*b*) of subsection (1) of section 100 of that Act and in which secondary education as defined by section 8 of the Act is provided.

PART IX. —*cont.*

Collection and delivery of washing.

54. The Corporation may collect and may carry to or from any public washhouse provided by them clothes and other articles intended to be washed or which have been washed at such washhouse and when exercising the powers of this section shall make charges for the collection and carriage of such clothes and other articles:

Provided that the charges to be made under this section shall be such as will produce a revenue sufficient to meet all expenditure incurred by the Corporation under this section.

As to personal weighing machines.

55.—(1) In this section the expression "personal weighing machine" means any weighing machine which is used or exposed for use for the purpose of ascertaining the weight of a person—

(*a*) for the use of which a charge is made; or

(*b*) which is kept in any shop premises or place in the city to which the public have access.

(2) The owner or the person in charge of any personal weighing machine which is false or unjust shall be liable to a penalty not exceeding two pounds or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(3) A personal weighing machine shall not be used or exposed for use unless it has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector and after the expiration of twelve months from the passing of this Act every person who has in his possession or under his control any personal weighing machine which is not so marked shall be liable to a penalty not exceeding two pounds or in the case of a second or subsequent offence five pounds and the machine shall be liable to be forfeited.

(4) If any person forges or counterfeits or removes any such distinguishing mark as is referred to in the last preceding subsection or knowingly exposes for use any personal weighing machine without any such mark or with such forged or counterfeit mark thereon he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(5) (*a*) Any inspector of weights and measures of the Corporation may at all reasonable times inspect and examine any personal weighing machine in the city and may seize and detain any such machine which is liable to be forfeited under the provisions of this section and may for the purposes of such inspection and examination enter any place (whether

open or closed) where he has reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine.

(*b*) Any person who neglects or refuses to produce for such inspection any personal weighing machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or any subsequent offence ten pounds.

(6) The Corporation may make byelaws—

(*a*) generally with respect to the examination and inspection of personal weighing machines and the distinguishing marks to be fixed to personal weighing machines under this section and the circumstances and conditions in and under which such marks may be affixed or cancelled;

(*b*) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines;

(*c*) for fixing the fees to be paid to the Corporation for the examination approval and marking of personal weighing machines under this section or for the examination of such personal weighing machines as are found to be incorrect or defective;

(*d*) for fixing the limits of error to be allowed on examination and approval or on inspection and examination of any personal weighing machine under this section.

Provision of lectures &c. in libraries.

56.—(1) The Corporation may use or allow to be used or let any part of any public library provided by them and not at the time required for the purpose of a library for lectures exhibitions concerts displays and the performance of stage plays for or in connection with the advancement of art education drama science music or literature and may themselves provide or arrange for the provision of or contribute towards the expenses of any such lectures exhibitions concerts displays or stage plays and may make or allow to be made such charges as they may think fit in connection therewith:

Provided that no cinematograph film of which—

(*a*) the length exceeds two thousand four hundred feet; or

(*b*) the width exceeds sixteen millimetres;

shall be exhibited under the powers of this section.

PART IX. —*cont.*

(2) The Corporation may provide and sell or authorise the provision and sale of programmes of any lectures exhibitions concerts displays or stage plays given in pursuance of this section.

(3) Nothing in this section shall be taken to dispense with the consent of the Minister of Education to any appropriation lease or other disposition of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted.

(4) No power conferred upon the Corporation by this section shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

(5) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition.

(6) All money received by the Corporation in the exercise of the powers of this section after defraying the expenditure incurred under this section shall be applied only for the purposes of the advancement of art education drama science music or literature.

As to liability to provide scales in Campfield Market. 41 & 42 Vict. c. 49.

57. Part II of the Sixth Schedule to the Weights and Measures Act 1878 shall not apply to the Campfield Market of the Corporation.

Payment of funeral expenses of deceased employees.

58. On the death of an employee (which expression in this section includes a former employee or pensioner of the Corporation or other person) to whom or to whose personal representative a sum is due from the Corporation on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest the Corporation may if they think fit pay out of the above sum the funeral expenses of the deceased employee or so much thereof as they consider reasonable and the amount of the expenses so paid shall be deemed to have been paid for the personal representative of the person

to whom the sum was due from the Corporation and the Corporation and any officer of the Corporation making such payment shall be discharged from all liability in respect of such payment. PART IX. —*cont.*

Retirement and superannuation of stipendiary magistrate.

59.—(1) The Corporation (if they think fit) may make and submit to the Secretary of State for his approval a scheme relating to the retirement of a stipendiary magistrate for the city and the making to him of a superannuation allowance.

(2) A scheme made under this section—

(*a*) shall prescribe the age at which a stipendiary magistrate shall retire and may authorise the Secretary of State to continue him in office until a later date;

(*b*) shall require a stipendiary magistrate to pay to the Corporation such contributions as may be prescribed;

(*c*) shall prescribe the amount scale or rate of the superannuation allowance;

(*d*) may apply to a stipendiary magistrate with or without modification such of the enactments relating to the superannuation of officers or servants of the Corporation as may be deemed expedient;

(*e*) may be amended or revoked by a scheme made and approved in like manner as the scheme under subsection (1) of this section.

(3) A scheme made and approved under this section shall have full force and effect:

Provided that the scheme shall not apply to the stipendiary magistrate in office at the date of the passing of this Act if within three months after the date upon which the town clerk notifies him that the Corporation have made the scheme he gives notice to the Secretary of State and to the Corporation that he does not desire the scheme to apply to him.

PART X.

GENERAL.

Confirming authority for byelaws.

60. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be—

(1) in the case of byelaws made under section 55 (As to personal weighing machines) of this Act the Board of Trade; and

(2) in all other cases the Minister.

Notices &c. to be in writing.

61. All notices orders consents demands and other documents authorised or required by or under this Act or any local Act for the time being in force in the city to be given made or issued by the Corporation and all notices and applications

PART X. —*cont.*

authorised or required by or under this Act or any such local Act to be given or made to or to any officer of the Corporation shall be in writing.

Restriction on right to prosecute.

62. Section 298 (Restriction on right to prosecute) of the Public Health Act 1936 shall apply to offences created by or under Part V (Streets buildings sewers and drains) and Part VI (Nuisances and sanitary matters) of this Act as if they were offences created by or under that Act.

Commencement of certain provisions of this Act.

63.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the Corporation of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the city.

Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month or in the case of section 35 (Prohibition of smoke in certain areas) of this Act not less than twelve months after the date of the first publication of the advertisement:

Provided that if the provision is one which requires the licensing or registration of any person or premises the application for the licence or registration may be made and determined before the provision comes into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to the following sections of this Act:—

Section 31 (Demolition of buildings);
Section 35 (Prohibition of smoke in certain areas);
Section 41 (Registration of hawkers of food and premises);
Section 42 (Registration of hairdressers and barbers and premises); and
Section 55 (As to personal weighing machines):

Provided that—

(*a*) before passing a resolution fixing the date upon which the said section 35 shall come into operation the Corporation shall consult the Minister;

(*b*) this section shall not apply to the application of the provisions of the said section 35 to an area other than the central area as defined in that section.

PART X. —*cont.*

(4) As respects any of the said provisions which requires the licensing or registration of persons carrying on any business or of premises used for any purpose it shall be lawful for any person who when such provision comes into operation—

(*a*) is carrying on any such business or using any premises for any such purpose; and

(*b*) has made application in accordance with the provisions of this Act for such licence or registration as is required by this Act;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of section 64 (Appeals) of this Act.

Appeals.

64.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part V (Streets buildings sewers and drains) or Part VI (Nuisances and sanitary matters) of this Act may except when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Corporation or a committee of the council with regard to the same matter.

(5) Where the Corporation or a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions they or he may appeal to such a court.

PART X. —*cont.*

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

(*a*) no proceedings in respect of any failure to execute the work or take the action shall be taken;

(*b*) the Corporation shall not execute such work or take such action; and

(*c*) any such person may carry on such business and use such premises for such purpose;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

Application of provisions of Public Health Act 1936.

65.—(1) The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Section 271 (Interpretation of "provide");
Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
Section 276 (Power of local authority to sell certain materials);
Section 277 (Power of councils to require information as to ownership of premises);
Section 284 (Authentication of documents);
Section 285 (Service of notices &c.);
Section 286 (Proof of resolutions &c.);
Section 287 (Power to enter premises);
Section 288 (Penalty for obstructing execution of Act);
Section 289 (Power to require occupier to permit works to be executed by owner);
Section 291 (Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments);

PART X. —*cont.*

Section 292 (Power to make a charge in respect of establishment expenses);
Section 293 (Recovery of expenses &c.);
Section 294 (Limitation of liability of certain owners);
Section 295 (Power of local authority to grant charging orders);
Section 296 (Summary proceedings for offences);
Section 297 (Continuing offences and penalties);
Section 299 (Inclusion of several sums in one complaint &c.);
Section 304 (Judges and justices not to be disqualified by liability to rates);
Section 328 (Powers of Act to be cumulative);
Section 329 (Saving for certain provisions of the Land Charges Act 1925): 15 & 16 Geo. 5. c. 22.

Provided that the said sections 277 287 288 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part V (Streets buildings sewers and drains) Part VI (Nuisances and sanitary matters) and Part IX (Miscellaneous) of this Act.

(2) Section 285 (Service of notices &c.) of the Public Health Act 1936 shall extend and apply in relation to any local Act for the time being in force in the city as if such section was re-enacted in that local Act and in terms made applicable thereto.

Application of existing enactments. 11 & 12 Geo. 5. c. cxix. 20 & 21 Geo. 5. c. clxii.

66. The provisions of section 64 (Recovery of penalties &c.) of the Manchester Corporation (General Powers) Act 1921 and of section 4 (Authentication of notices &c.) of the Manchester Corporation (Improvements) Act 1930 shall extend and apply to the purposes of this Act and the following provisions shall with all necessary modifications extend and apply to the purposes of Part II (Water) of this Act in the same manner as if those provisions were re-enacted in this Act:—

The Manchester Corporation (Improvements) Act 1930—

Section 7 (Compensation in case of recently created interests);
Section 10 (Power to enter upon property for survey and valuation);
Section 11 (Power to re-instate owners of property);

The Act of 1934—

Section 6 (Acquisition of easements):

PART X. —*cont.*

Provided that—

(*a*) in the application of section 7 of the Manchester Corporation (Improvements) Act 1930 that section shall have effect as if the first day of November nineteen hundred and forty-five were therein mentioned instead of the first day of November nineteen hundred and twenty-nine;

(*b*) in the application of section 6 of the Act of 1934 that section shall have effect as if Part II (Water) of this Act were therein mentioned instead of Part IV (Water) of that Act.

Saving for town and country planning. 22 & 23 Geo. 5. c. 48. 6 & 7 Geo. 6. c. 29.

67. The provisions of the Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944 and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development.

Crown rights.

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

Costs of Act.

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

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Manchester Municipal Officers' Widows' and Orphans' Pensions Fund.

Trust deed and rules.

This trust deed is made the 3rd day of April 1939 between the Lord Mayor Aldermen and Citizens of the City of Manchester (hereinafter called "the Corporation") of the first part Samuel Percy Dawson a member of the Manchester City Council and chairman of the finance committee thereof Robert Henry Adcock town clerk of the city of Manchester and John Edward Bray treasurer of the city of Manchester (hereinafter called "the trustees") of the second part and Hermann Julius Goldschmidt William Johnston Percy Clarence Parker being members of the Manchester City Council and William Barker Archibald Frank Hutt and Harold Mather being members of the Manchester Municipal Officers' Guild (hereinafter called "the committee of management") of the third part.

Whereas the majority of the male officers on the professional technical administrative and clerical staff of the Corporation have expressed a desire for the establishment of a fund for providing pensions for their widows and orphans and the Corporation without guaranteeing the solvency of the fund have agreed to the establishment of such a fund for providing pensions for the widows and orphans of such of their present and future officers as under the rules hereinafter mentioned may or are to become contributors to such fund:

And whereas the Corporation have agreed to undertake such duties in connection with the fund as are hereinafter imposed upon them upon condition that the other necessary duties be performed by Trustees and a treasurer of the fund and a committee of management of the fund and their secretary respectively:

And whereas the parties hereto of the second part have agreed to act as the first trustees of the fund:

And whereas the parties hereto of the third part being (as to the first three) members of the Manchester City Council and (as to the remaining three) officers on the aforesaid staff of the Corporation and members of the said Manchester Municipal Officers' Guild have agreed to act as the first committee of management of the fund (hereinafter called "the committee"):

And whereas it is intended that this deed shall forthwith after the execution thereof be registered under the Superannuation and other Trust Funds (Validation) Act 1927: 17 & 18 Geo. 5. c. 41.

Now this deed witnesseth that for the purpose of carrying into effect the objects referred to in clause 2 hereof and for the other purposes hereinafter appearing the Corporation hereby convenant with the trustees and the committee and the trustees and the committee hereby covenant with the Corporation and with each other so far as the

1ST SCH. —*cont.*

provisions hereinafter contained are or ought to be performed or observed by the Corporation the trustees and the committee respectively and it is hereby agreed and declared as follows:—

Definitions.

1. In this deed and the rules in the schedule hereto the following expressions shall unless the context requires have the following meanings:—

EXPRESSION.	MEANING.
"The scheme."	The scheme embodied in this deed and the schedule hereto for giving effect to the objects stated in clause 2 hereof.
"The rules."	The rules in the schedule hereto or other the rules for the time being in force.
"The fund."	The Manchester Municipal Officers' Widows' and Orphans' Pensions Fund established by the scheme.
"The Corporation."	The lord mayor aldermen and citizens of the city of Manchester.
"The council."	The Manchester City Council.
"The establishment committee."	The establishment committee of the Manchester City Council.
"The trustees."	The parties hereto of the second part and their successors in office.
"The committee."	The parties hereto of the third part and their successors in office.
"The treasurer."	The said John Edward Bray so long as he continues to be treasurer of the city of Manchester and his successor for the time being in that office.
"The secretary."	The said Robert Henry Adcock so long as he continues to be town clerk of the city of Manchester and his successor for the time being in that office.
"The actuary."	A fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland appointed by the Corporation for the purposes hereinafter referred to.
"The guild."	The Manchester Municipal Officers' Guild.
"The Act of 1920."	The Manchester Corporation Act 1920 as amended from time to time.
"The Act of 1934."	The Manchester Corporation Act 1934.
"The appointed day."	The 1st day of April 1939.
"Officer."	A whole-time male employee of the Corporation on the professional technical administrative and clerical staff of the Corporation who is included in the assignment of officials

EXPRESSION.	MEANING.	1ST SCH. —*cont.*
	authorised by the establishment committee of the council and has attained the age of eighteen years and who is a contributor to the superannuation fund established under the Act of 1920 or to the Manchester Corporation thrift fund including the technical staff of the electricity department of the Corporation (who are subject to the decisions of the National Joint Board of Employers and Staff Members of the Electricity Supply Industry) but excluding except as otherwise determined under rule 1 those officers who being within the assignment of officials on the professional technical administrative and clerical staffs authorised by the establishment committee have been at any time engaged as manual workers of the Corporation.	
"Incapacity pensioner."	An officer who retires after the appointed day and before attaining the age of sixty years upon a superannuation allowance under section 60 (1) of the Act of 1920: Provided that until section 79 of the Act of 1934 is amended the expression "incapacity pensioner" shall include an officer who retires after the appointed day and after attaining the age of sixty years.	
"Member."	An officer or incapacity pensioner to whom the scheme applies as provided by clause 4 of this deed or any other person to whom the scheme may have been applied under rule 1.	
"Salary."	Salary as defined by section 57 of the Act of 1920 up to a maximum rate of £1,000 in any one year of service.	
"Average salary."	(1) In the case of a member who dies or retires (as the case may be) before five years' contributions to the fund have been paid the average of his annual salary calculated over the period preceding the date of his death or retirement (as the case may be) during which contributions have been paid; (2) In the case of a member who dies or retires (as the case may be) after five years' contributions to the fund have been paid the average of his annual salary calculated over the five years immediately preceding the date of his death or retirement (as the case may be); (3) If in the case of a member who dies or retires (as the case may be) and who has suffered a reduction of salary through a reduction of duties or through physical or	

1st Sch. —*cont.* Expression.	Meaning.
	mental infirmity or who on that account has received no salary at any time within five years before the date of his death or retirement he or his widow or child (as the case may be) pays into the fund the sum required by rule 2 his average salary as defined above shall be the amount of salary he would have received had no such reduction or loss of salary taken place.
"Non-contributing service."	Service rendered after attaining the age of twenty years and before attaining the age of sixty years or the appointed day (whichever is the earlier) by an officer who becomes a member on the appointed day: Provided such service has been recognised by the Corporation for the purposes of the Act of 1920.
"Widow."	The widow of a person who was a member at the date of his death: Provided (in the case of a member who was an incapacity pensioner at the date of his death) that she was his wife at the date he became a pensioner.
"Child."	A child under the age of sixteen years who is either— (i) a legitimate child; (ii) a legitimated child; (iii) a step-child; or (iv) a child adopted according to law by a member and in cases (iii) or (iv) not in receipt of a pension under this scheme: Provided that the scheme shall not apply to any legitimated child step-child or adopted child where the relation referred to between the member and such child commences after the member ceases to be an officer nor (unless the committee otherwise determine) to any child of an incapacity pensioner if born after the date when such member became an incapacity pensioner.
"Pension."	Any annual sum payable to a widow or child under the rules.

Objects of the fund.

2. The fund is established to provide pensions irrespective of their financial circumstances for the widows and orphans of officers and incapacity pensioners of the corporation who were members at the time of their death.

The fund.

3. The fund to be called the Manchester Municipal Officers' Widows' and Orphans' Pensions Fund shall be and is hereby constituted and established and the rules shall apply to the fund.

1ST SCH. —*cont.*

4.—(1) The fund shall come into operation on the appointed day. Commencement of operation of the scheme and persons to whom it applies.

(2) The scheme shall apply to—

(*a*) every officer who is on the appointed day in the service of the Corporation and who on or before the 1st day of February 1939 or such later date as the committee may in any particular case determine shall have given notice in writing of his desire that the scheme shall apply to him;

(*b*) every officer appointed on or after the appointed day who is under the age of thirty years on the day he takes up his duties; and

(*c*) any other person to whom the scheme may have been applied under rule 1.

(3) The scheme shall continue to apply to an officer who becomes an incapacity pensioner after the appointed day so long (and so long only) as his wife to whom he was married on retirement or any child of his is living.

(4) The scheme shall cease to apply to an officer—

(*a*) who ceases to be in the service of the Corporation without becoming entitled to a superannuation allowance under the Act of 1920; or

(*b*) who could make provision for an annuity for his widow under the provisions of section 79 of the Act of 1934 as amended by any future enactment.

5. It shall be made a condition of employment of every officer appointed by the Corporation on or after the appointed day who is under the age of thirty years on the day he takes up his duties that he shall become a member as and when the Act of 1920 becomes applicable to him or upon the date on which he attains the age of eighteen years whichever is the later. Compulsory membership of officers appointed on or after the appointed day.

6.—(1) The Corporation shall be entitled to deduct and shall deduct from time to time as salaries or superannuation allowances become due from every payment in respect of salary or superannuation allowance payable by them to each member such an amount as is provided by the rules. Deductions from salaries and superannuation allowances.

(2) These deductions shall continue to be made so long as such member continues to be a member.

7. The Corporation shall forthwith after each such deduction has been made pay the amount of such deduction to the credit of the banking account of the fund in the name of the treasurer. Deductions to be paid into the banking account of the fund.

8.—(1) The pensions payable under the scheme shall be such as are prescribed by the rules. Payment of pensions.

(2) All pensions for the time being payable under the rules shall be paid by the treasurer out of the banking account of the fund (so far as the balance to the credit of that account is sufficient for the purpose) by means of cheques drawn by the treasurer on such banking account.

(3) No such payment shall be made except upon the requisition in writing of two members of the committee stating the person in whose favour the cheque is to be drawn and such requisition shall be binding upon the treasurer.

1ST SCH. —*cont.*

Investment of surplus income of the fund and application of the income of investments.

9. The surplus of the annual income of the fund above the expenditure thereout shall from time to time at the discretion of the trustees either be placed on deposit in the names of the trustees at the bank at which the banking account of the fund is kept or shall be invested in any securities in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or any mortgages bonds debentures debenture stock stock or other securities authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than annuities rentcharges or securities transferable by delivery.

Trustees.

10.—(1) The parties hereto of the second part are hereby appointed the first trustees of the fund.

(2) The said Samuel Percy Dawson and any person succeeding him either immediately or mediately shall continue to be a trustee only so long as he is a member of the council and on the said Samuel Percy Dawson or any person succeeding him either immediately or mediately ceasing to be a trustee from whatever cause the council shall by resolution nominate some member of the council to be appointed a trustee in his stead.

(3) The said Robert Henry Adcock and John Edward Bray shall continue to be trustees so long as they hold the offices of town clerk and treasurer of the city respectively and upon either of them or the person succeeding either of them either immediately or mediately ceasing to hold that office his successor in office shall be appointed a trustee in his stead and shall continue to be a trustee so long as he holds office as town clerk or treasurer of the city as the case may be.

Committee.

11.—(1) The scheme shall be administered by the committee which shall consist of three members of the council and three members of the guild (being officers to whom this scheme applies).

(2) The parties hereto of the third part are hereby appointed the first members of the committee and they shall hold office until the date of the annual meeting of the council in the year 1940.

(3) At the annual meeting of the council in 1940 and at every succeeding annual meeting three members of the council shall be appointed members of the committee to hold office until the next annual meeting of the council.

(4) The three members of the committee to be appointed by the guild shall be appointed at a meeting of the executive council of the guild to be held on as near as may be the same date as the annual meeting of the council and shall hold office for the same period as the members of the committee appointed by the council.

(5) If a member of the committee ceases to be a member of the council or an officer as the case may be he shall cease automatically to be a member of the committee.

(6) Upon any casual vacancy occurring on the committee the council or the executive council of the guild as the case may be shall appoint a qualified person to fill the vacancy until the next annual date for the appointment of the committee and until the vacancy is filled the remaining members of the committee shall be qualified to act as the committee.

1ST SCH. —*cont.*

(7) The chairman of the committee shall be one of the members thereof appointed by the council and the vice-chairman shall be one of the members thereof appointed by the guild and each shall be elected annually by the committee at its first meeting and any casual vacancy occurring shall be filled by the committee at its next meeting.

(8) In the absence of both the chairman and the vice-chairman from any meeting a chairman for the meeting shall be elected by the members of the committee present at such meeting.

(9) The quorum of the committee shall be three and shall include at least one of the members of the committee appointed by the council and one of the members of the committee appointed by the guild provided that the quorum for a meeting called to make a recommendation for any alteration in the trust deed and rules under clause 17 shall be five.

(10) The committee shall meet as often as may be necessary for the dispatch of its business and may from time to time make such rules for the conduct of its business as the committee shall think fit.

Voting shall be by show of hands or otherwise as the committee may determine.

No resolution shall be regarded as carried unless it has been approved by a majority vote of those attending the meeting and in case of an equality of votes the chairman of the meeting shall have a second or casting vote except in the case of voting upon a recommendation for any alteration in the trust deed and rules under clause 17 when the chairman shall have only one vote.

(11) Minutes shall be kept of each meeting of the committee and entered in a minute book kept for the purpose which shall be signed by the chairman of the next meeting of the committee.

The treasurer.

12. The said John Edward Bray is hereby appointed to be the first treasurer of the fund and he shall hold office so long as he continues to be treasurer of the city of Manchester.

The secretary.

13. The said Robert Henry Adcock is hereby appointed to be the first secretary of the committee and he shall hold office so long as he continues to be town clerk of the city of Manchester.

Accounts of the fund.

14. The treasurer shall as soon as conveniently may be after the close of each financial year ending on the 31st March submit to the committee a report and statement of accounts and balance sheet of the fund for that year duly audited by auditors appointed by the Corporation.

Actuarial investigation.

15.—(1) Once at least in every five years the condition of the fund shall be submitted to an actuary appointed by the Corporation who shall investigate the same and make an actuarial valuation of the assets and liabilities of the fund.

(2) If on any such valuation the actuary certifies that it is advisable that steps should be taken for making good any deficiency or disposing of any surplus the committee shall on the advice of the actuary submit to the Corporation and to the executive council of the guild a scheme for making good such deficiency or for disposing of such surplus as the case may be by varying the benefits or contributions or otherwise.

1ST SCH. —*cont.*

(3) If the Corporation and the executive council of the guild approve such scheme as submitted or as amended all such necessary steps shall be taken whether by alteration of or additions to this deed or the rules or otherwise as may be necessary to carry such scheme into effect.

Expenses of management and exoneration of the Corporation.

16.—(1) The costs and expenses occasioned by actuarial investigations reports and valuations and audits and all salaries and other costs expenses and charges of administration of the fund including stamp duty incurred on the appointment of new trustees but excluding stamp duty and brokerage on the purchase and sales of investments which shall be borne by and paid out of the corpus of the fund shall be borne and paid by the Corporation and shall be the Corporation's contribution to the fund.

(2) The Corporation do not guarantee the solvency of the fund or accept any liability in relation thereto or to the scheme other than in respect of such obligations as are expressly undertaken by them hereunder.

Alterations of trust deed and rules.

17.—(1) Neither the trusts and provisions of this deed nor the rules shall be varied amended or extended except with the consent of the Corporation and of the executive council of the guild and upon the recommendation of the committee by the majority vote at a meeting of the committee specially called for the purpose with notice of the business intended to be transacted thereat.

(2) The scheme shall not be varied amended or extended in such a way as to alter the objects of the scheme as stated in clause 2 hereof or so as to prejudice or affect the rights of any person for the time being in receipt of a pension hereunder.

Exoneration of trustees and committee from personal liability.

18. No personal liability shall be deemed to attach to any trustee member of the committee treasurer or secretary in respect of anything done or omitted to be done by him in good faith.

Determination of the scheme.

19.—(1) If not less than six of the total number of the trustees and the committee shall at any time be of opinion that the continuance of the scheme has for any reason become unnecessary or undesirable or that the collection of the contributions to and the administration of the fund generally cannot be carried on without disproportionate difficulties and inconvenience they shall have power with the consent of the Corporation and of the executive council of the guild to determine the scheme.

(2) Upon the determination of the scheme the trust shall be wound up and the funds realised and the net proceeds after payment of expenses applied in the first place in the purchase from the Government or some company or companies of good repute of annuities for the benefit of those in receipt of pensions at the date of determination for the residue of the respective periods during which such pensions are payable equal in amount to the amounts of the said pensions and the balance shall be distributed among the members at the date of determination in proportion to the total amount which each member has contributed to the fund.

Marginal epitome.

20. The marginal epitome hereto and to the rules is inserted for convenience of reference only and is not to affect the construction or interpretation of this deed or the rules.

The SCHEDULE above referred to.

THE RULES.

Power to extend the scheme to various classes of persons.

1. The committee may apply the scheme at such times and on such terms and conditions as they may think fit to any of the following persons provided such persons are contributors to the superannuation fund established under the Act of 1920:—

(1) Any officer appointed by the Corporation on or after the appointed day aged thirty years or over on the day he takes up his duties;

(2) Any registration officer as defined in the Local Government Superannuation Act 1937 of any age appointed by the Corporation;

(3) Any person of any age for the time being on the professional technical administrative and clerical staff of the Corporation;

(4) Any permanent and whole-time employee of the justices of the city of Manchester; and

(5) Any person becoming a member of the professional technical administrative and clerical staff of the Corporation within the assignment of officials authorised by the establishment committee or being appointed to the technical staff of the electricity department of the Corporation (and thus becoming subject to the decisions of the National Joint Board of Employers and Staff Members of the Electricity Supply Industry) after having been engaged as a manual worker of the Corporation:

Provided that the scheme shall not be applied to any such person except upon his request in writing.

Contributions of members.

2.—(1) Members while continuing to be officers shall contribute to the fund a percentage of their salaries according to the following scales varying according to age on admission as a member:—

(A) Officers becoming members on or at any time after the appointed day—

Age on admission.	Percentage of salary.
(*a*) Under 27	1 per cent.
(*b*) Over 27 but under 30 ...	1¼ per cent.

(B) Officers becoming members on the appointed day—

Age on admission.	Percentage of salary.
(*a*) Over 30 but under 37 ...	1¼ per cent.
(*b*) Over 37 but under 47 ...	1½ per cent.
(*c*) 47 or over	1¾ per cent.

(2) A member who becomes an incapacity pensioner shall so long as he remains a member (but not after) contribute to the fund the same percentage of his superannuation allowance as he formerly contributed of his salary:

Provided that his contributions if he is a member when he attains the age of sixty-five years shall cease at that age or upon the death of his wife whichever last occurs.

(3) If a member had suffered a reduction of salary through a reduction of duties or through physical or mental infirmity or on that account has received no salary he or his widow or child as the case

1st Sch. —*cont.*

may be shall be entitled to pay into the fund the difference between the actual sum paid into the fund by such member during the five years before the member's death or retirement as the case may be and the amount he would have paid into the fund had no such reduction or loss of salary taken place.

(4) The contributions of an officer shall in any case cease upon his attaining the age of sixty-five years and he shall thereupon cease to be a member.

Widows' pensions.

3.—(1) On the death of a member his widow shall (subject as provided by paragraphs (3) and (4) of this rule and rules 5 and 9) be entitled to receive a pension out of the fund to commence from his death and to continue only so long as she remains his widow of an annual sum (hereinafter referred to as " a widow's pension ") of—

(*a*) thirty pounds; or

(*b*) an amount equal to—

(i) one-sixth of one-sixtieth of the deceased member's average salary multiplied by the number of years comprised in a period commencing on the date of his admission as a member or his twentieth birthday (whichever is the later) and ending on the date on which he attained the age of sixty years or would have attained that age had he survived together with;

(ii) one-sixth of one one-hundred-and-twentieth of the deceased member's average salary multiplied by the number of years during which his service was non-contributing service;

whichever is the greater amount.

(2) For the purpose of determining the number of years by reference to which a widow's pension is to be calculated under paragraph (1) of this rule any fraction of a year (over the number of completed years) exceeding six months shall be reckoned as a complete year.

(3) The widow of a member who was an incapacity pensioner at the date of his death shall not be entitled to a pension unless she was married to such member before he became an incapacity pensioner.

(4) If the widow of a deceased member is younger than the deceased member by eleven years or more her pension shall subject as provided by paragraph (5) of this rule be reduced by two and one-half per cent. for each complete year in excess of ten by which she is younger than the deceased member.

(5) A widow's pension shall in no case be less than thirty pounds.

Children's pensions.

4.—(1) Upon the death of a member or of a person who may have ceased to be a member on the award of a superannuation allowance under the Act of 1920 or on becoming eligible for the provisions of section 79 of the Act of 1934 (as amended by any future enactment) leaving a widow and child or children—

(*a*) each such child shall be entitled to an annual pension out of the fund of six pounds ten shillings commencing from the death of the member or former member and continuing until the death of the widow or until the child attains the age of sixteen years or dies whichever event first happens;

1ST SCH. —*cont.*

(*b*) upon the death of such widow each such child who is then living and under the age of sixteen years shall be entitled to an annual pension out of the fund commencing at the death of the widow and continuing until such child attains the age of sixteen years or dies (whichever first happens) the amount of which shall be—

(i) if there shall be only one such child thirteen pounds or a sum equal to one-third of the pension the widow would have been entitled to had she survived or where the husband ceased to be a member on retirement or on becoming eligible for the provisions of section 79 of the Act of 1934 had she become entitled to a pension immediately before the date her husband retired or became subject as aforesaid (hereinafter referred to as "the hypothetical pension") whichever is the greater; and

(ii) if there shall be two or more such children six pounds ten shillings or such a sum as each child would be entitled to if a sum equal to the hypothetical pension were equally divisible between all the children but not exceeding in the case of each child one-third of the amount of the hypothetical pension whichever is the greater.

(2) Upon the death of a widower who is a member or who ceased to be a member on the award of a superannuation allowance under the Act of 1920 or on becoming eligible for the provisions of section 79 of the Act of 1934 if any child or children of his shall be living and under the age of sixteen years at his death—

(*a*) from the date of his death each such child shall be entitled to receive an annual pension out of the fund until such child dies or attains the age of sixteen years (whichever first happens);

(*b*) if there is only one such child the amount of the pension shall be a sum equal to one-third of the amount (hereinafter in this paragraph of this rule referred to as "a widow's pension") which would have been payable to the member's widow had he left a widow entitled to a pension under this scheme (or where a person ceased to be a member on retirement or on becoming eligible for the provisions of section 79 of the Act of 1934 had he left a widow entitled to a pension immediately before the date he retired or became eligible as aforesaid) or thirteen pounds whichever be the greater;

(*c*) if there shall be two or more such children the amount of each child's pension shall be six pounds ten shillings or such a sum as each child would be entitled to if a sum equal to the widow's pension were equally divisible between all the children but not exceeding in the case of each child one-third of the amount of the widow's pension whichever be the greater.

(3) The pensions of children shall be adjusted from time to time according to the number of children living and under the age of sixteen years.

1ST SCH. —*cont.*

(4) In this rule the term widow is used in the general sense and not in the restricted sense of the defintion contained in clause 1 of the deed.

Power to withhold a widow's pension.

5.—(1) On the written request of a member the committee may in special or exceptional circumstances and by the unanimous vote of those present at a meeting of the committee called after not less than seven clear days' notice accompanied by particulars of the business intended to be transacted thereat withhold a widow's pension either wholly or in part and during such period or periods as the committee think fit.

(2) The exercise of the power conferred by paragraph (1) of this rule shall not prejudice or affect the title to a pension of a child of the member in respect of whose widow the power has been exercised.

Return of contributions.

6.—(1) If a member at the date when he ceases to be an officer is and has been throughout his membership—

(*a*) a bachelor without an adopted child; or

(*b*) a widower without a child;

he shall cease to be a member and shall be paid out of the fund a sum equal to the amount of his contributions without interest.

(2) If a member dies while an officer and is and has been throughout his membership—

(*a*) a bachelor without an adopted child; or

(*b*) a widower without a child;

a sum equal to the amount of his contributions to the fund without interest shall be paid to his personal representatives if it exceeds one hundred pounds and if it does not exceed that amount either to his personal representatives or to such other person or persons as the committee shall in their absolute discretion determine and the receipt of such person or persons shall be a good discharge.

Pensions not to be apportionable on the death of a pensioner.

7.—(1) The pension of a widow or a child shall not be apportionable on the death of such widow or child but the amount which would have been the apportioned part of such pension accruing to the date of such death had it been apportionable shall be paid to such person or persons as the committee shall in their absolute discretion think fit whose receipt shall be a good discharge.

(2) The pension of a child who attains the age of sixteen years shall be apportionable up to that date and the apportioned part accruing up to the date when the child attains the age of sixteen years shall be paid as part of such child's pension accordingly.

Payment of pensions.

8.—(1) Every pension shall be paid monthly at the end of each month if the widow or child to whom it is payable is then living.

(2) The committee may before payment of an instalment of a pension require evidence to their satisfaction that the person entitled to the pension is living or in the case of a widow's pension that the widow has not re-married.

(3) The pension of a child may be paid at the absolute discretion of the committee to such of the following persons as the committee from time to time think fit:—

(*a*) the child; or

(*b*) the mother or step-mother or guardian of the child; or

1ST SCH. —*cont.*

(*c*) the treasurer or other proper officer of any institution responsible for the maintenance or education of the child; or

(*d*) any other person who undertakes to apply the pension for the maintenance education or benefit of the child;

and the receipt of any such person (including the child notwithstanding infancy) shall be a good discharge.

(4) If it appears to the committee that a widow is unable by reason of accident or bodily or mental infirmity to manage her affairs or to sign documents the pension payable to her may be paid to any person approved by the committee who undertakes to apply the pension for the maintenance or benefit of the widow and the receipt of that person shall be a good discharge:

Provided that not less than fourteen days before exercising for the first time their power under this paragraph in the case of a widow who in their opinion is unable by reason of mental infirmity to manage her own affairs or to sign documents the committee shall give to the Master in Lunacy notice in writing of their intention in that behalf specifying the name and address of the widow and the amount of the pension payable to her together with the name and address of the person to whom it is proposed to pay the pension and shall at the same time give notice in writing to the widow in a form approved by the Master in Lunacy.

If at any time the master in lunacy gives to the committee notice in writing that he objects to the exercise by the committee of the said power in relation to any widow the said power shall as from the date of the receipt by the committee of the notice cease to be exercise-able by the committee in respect of that widow unless and until the master withdraws the notice.

Bankruptcy of or alienation by widow.

9.—(1) If a widow while in receipt of a pension—

(*a*) is adjudicated a bankrupt; or

(*b*) has a receiving order made against her; or

(*c*) makes any arrangement or composition with her creditors; or

(*d*) attempts to alienate charge or anticipate her pension;

then and in any such case her pension shall thereupon cease to be payable but the committee may if they in their absolute discretion think fit apply the amount of the pension to which the widow would otherwise have been entitled or any part thereof for the maintenance and personal support or benefit of the widow or may pay the same to any person they think fit to be applied by such person for the purposes aforesaid without any obligation on the part of the committee to see to its application and the receipt of any such person shall be a good discharge.

(2) The determination of a widow's pension under the operation of paragraph (1) of this rule shall not affect the title to a pension of a child of the member the pension of whose widow shall have so determined.

Records.

10—(1) Each member shall within one month of the event occurring notify the treasurer of his marriage or re-marriage and of the birth and death of any child who may become entitled to a pension

1st Sch. —*cont.*

on his death and give the treasurer any other information which may be required in relation to his family and shall produce evidence satisfactory to the committee of the ages of himself and his wife and any child who may become entitled to a pension on his death.

(2) The information required under paragraph (1) of this rule shall if and when proved to the satisfaction of the committee be recorded by the treasurer and such record shall be open to the inspection of the member.

(3) No person whose name is not so entered shall be entitled without the consent of the committee to a pension on the death of such member.

Copies of the trust deed rules and accounts to be supplied.

11. The treasurer shall supply on demand to any member or to any person having any rights in the fund being a person who is or has been employed by the Corporation a copy of the trust deed and the rules with all amendments and additions thereto together with the latest statement of accounts balance sheet and report prepared in accordance with the requirements of the Superannuation and other Trust Funds (Validation) Act 1927.

Determination of differences and disputes.

12. Subject and without prejudice to any of the powers specially conferred upon them by the trust deed and rules the committee shall have full power to determine any matter not provided for therein and all disputes differences questions and matters of doubt arising in the execution of the scheme or touching the construction meaning or effect of the trust deed or rules or rights or liabilities thereunder or of any person claiming any benefit or interest thereunder and every such determination whether made upon a question actually raised or implied in the acts and proceedings of the committee shall be conclusive and shall bind all parties interested and every such dispute difference or question shall in default of and so far as any such determination as aforesaid shall not extend be referred to arbitration in accordance with the provisions of the Arbitration Acts 1889 to 1934 or any statutory modifications or re-enactment thereof for the time being in force.

2 & 3 Geo. 6. c. 94.

13.—(1) If a member becomes engaged in war service within the meaning of the Local Government Staffs (War Service) Act 1939 (hereinafter referred to as "the Act of 1939") his membership of the fund shall continue as long as contributions to the superannuation fund established under the Act of 1920 continue to be made by him or in respect of him in accordance with section 4 of the Act of 1939 and he shall contribute to the fund the like amount at the like times as if he had continued to serve in his civil capacity.

(2) In any special case the committee may apply the provisions of the last paragraph to a member who becomes engaged in service which has not been recognised as war service within the meaning of the Act of 1939.

(3) The definition of "incapacity pensioner" in the scheme shall be deemed to include a member who retires upon a superannuation allowance under section 60 (1) of the Act of 1920 while engaged in

war service within the meaning of the Act of 1939 or service in respect of which the committee have applied the provisions of paragraph (1) of this rule to such member. 1ST SCH. —*cont.*

(4) If a member dies as a result of the present war and by virtue of his death his widow or children become entitled to a pension or allowances from sources administered by the Minister of Pensions then—

(*a*) If the annual amount of the pension and allowances awarded to his widow and children individually from sources administered by the Minister of Pensions equals or exceeds the annual amount which would be payable to each of such persons by way of pensions under the scheme such persons shall not receive any pension out of the fund and a sum equal to the amount of the member's contributions to the fund shall be returned as if rule 6 (2) applied to him;

(*b*) If the annual amount of the pension and allowances awarded to such persons individually from sources administered by the Minister of Pensions is less than the corresponding amount which would be payable under the scheme a pension equal to the balance shall be paid out of the fund and if the dependant or if more than one all the dependants of a member receiving a pension or pensions as the case may be respectively equal to such balances shall cease to receive such pensions before a sum equal to the total amount of the contributions standing to the member's credit at the time of his death has been paid the balance of such contributions shall be returned as if rule 6 (2) applied to such member.

Where the member was at the time his war service began or at the time of his death a voluntary contributor or insured as an excepted person for widows' and orphans' pensions only any pensions and allowances to his widow and children which would have been paid but for the provisions of section 14 of the National Health Insurance and Contributory Pensions (Emergency Provisions) Act 1939 shall be aggregated for the purposes of sub-paragraphs (*a*) and (*b*) of this paragraph with the pensions payable under the scheme. 2 & 3 Geo. 6. c. 84.

(5) This rule shall be deemed to have been in operation from September 1st 1939.

In witness whereof the Corporation have caused their common seal to be hereunto affixed and the parties hereto of the second and third parts have set their hands and seals the day and year first before written.

The common seal of the CORPORATION OF THE CITY OF MANCHESTER was hereunto affixed in pursuance of an order of the council of the said city in the presence of—

E. J. HART
Lord Mayor.

PHILIP B. DINGLE
Deputy Town Clerk.

Common Seal

1ST SCH. —*cont.*

Signed sealed and delivered by the said SAMUEL PERCY DAWSON in the presence of—
H. W. THOMPSON
Principal Assistant
Treasurer's Department
Town Hall
Manchester.

S. P. DAWSON. L.S.

Signed sealed and delivered by the said ROBERT HENRY ADCOCK in the presence of—
F. COSTELLO
Town Clerk's
Secretary
Manchester.

R. H. ADCOCK. L.S.

Signed sealed and delivered by the said JOHN EDWARD BRAY in the presence of—
H. W. THOMPSON.

JOHN E. BRAY. L.S.

Signed sealed and delivered by the said HERMANN JULIUS GOLDSCHMIDT in the presence of—
H. W. THOMPSON.

H. J. GOLDSCHMIDT. L.S.

Signed sealed and delivered by the said WILLIAM JOHNSTON in the presence of—
H. W. THOMPSON.

W. JOHNSTON. L.S.

Signed sealed and delivered by the said PERCY CLARENCE PARKER in the presence of—
H. W. THOMPSON.

P. C. PARKER. L.S

Signed sealed and delivered by the said WILLIAM BARKER in the presence of—
FELIX E. CROWDER
Solicitor
The Town Hall
Manchester.

W. BARKER. L.S.

Signed sealed and delivered by the said ARCHIBALD FRANK HUTT in the presence of— H. W. THOMPSON. A. F. HUTT. L.S.

Signed sealed and delivered by the said HAROLD MATHER in the presence of— FELIX E. CROWDER. H. MATHER. L.S.

SECOND SCHEDULE.

PROVISIONS RELATING TO THE ISSUE OF CERTIFICATES FOR AND THE REGISTRATION AND TRANSFER OF STOCK AND THE PAYMENT OF DIVIDENDS AND REDEMPTION MONEYS.

Appointment of registrar.

1.—(1) The Corporation shall subject to such terms and instructions not inconsistent with any provision of the Act of 1891 or this Act as they think expedient appoint one of their officers or some other individual or the Bank of England or any other bank or any banking or other company to act as registrar for all or any of the purposes of Part V (Corporation stock) of the Act of 1891 as amended by this Act (hereinafter referred to as " the registrar ").

(2) The Corporation in relation to Part V of the Act of 1891 as amended by this Act and the registrar shall respectively be deemed a banker within the Bankers' Books Evidence Act 1879. 42 & 43 Vict. c. 11.

Stock register.

2.—(1) The registrar shall keep records in which shall be entered the names and addresses of holders from time to time of stock and the amounts held by them (hereinafter referred to as the " stock register ").

(2) The stock register shall be prima facie evidence of any matter entered therein in accordance with Part V of the Act of 1891 as amended by this Act and of the title of the persons entered therein as holders of stock.

Certificates of proprietorship of stock.

3.—(1) The registrar shall give to a holder of stock a certificate of the proprietorship thereof specifying the amount of stock to which the holder is entitled (in this schedule referred to as a " stock certificate ") and if the registrar is an officer of the Corporation the certificate shall be under the common seal of the Corporation.

(2) A stock certificate shall be prima facie evidence of the title of the person therein named his executors administrators successors or assigns to the stock therein specified but the absence of a stock certificate if accounted for to the satisfaction of the registrar shall not prevent the holder of stock from disposing of and transferring the stock.

(3) If a stock certificate is worn out or damaged the registrar on production thereof may on payment of a fee not exceeding two shillings and sixpence cancel it and give a similar stock certificate to the person in whom the property in the stock certificate and in the stock therein specified is then vested.

2nd Sch. —*cont.*

(4) If a stock certificate is lost or destroyed the registrar on proof thereof to his satisfaction and on such indemnity being given as with the approval of the Corporation he may require and on payment of a fee not exceeding two shillings and sixpence may give a similar stock certificate to the person entitled to the certificate lost or destroyed.

(5) An entry of the issue of a stock certificate or a substituted certificate as the case may be shall be made in the stock register.

(6) Where the names of two or more persons are entered in the stock register as joint holders of an amount of stock nothing contained in the foregoing provisions of this paragraph shall be construed as requiring the registrar to issue more than one certificate in respect of that amount of stock and delivery of a certificate to one of several joint holders shall be sufficient delivery to all of them.

Mode of transfer.

4.—(1) Stock shall be transferable by deed executed by all parties to the transfer and delivered to and retained by the registrar.

(2) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(3) The registrar shall after reasonable notice and on delivery up of the old stock certificate or on such proof that it cannot be produced and on such indemnity being given as with the approval of the Corporation he may require deliver to the purchaser a new stock certificate.

(4) Until the deed of transfer has been so delivered to the registrar the Corporation or the registrar shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

Evidence on transfer.

5.—(1) The registrar before allowing any transfer of stock may if the circumstances of the case appear to him to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(2) That evidence shall be a statutory declaration of one or more competent persons or evidence of such other nature as the registrar with the approval of the Corporation may require.

Closing of register.

6.—(1) The registrar with the approval of the Corporation may as regards any portion of stock close the stock register during the whole of the period of thirty days or any shorter period next before the date on which dividends on that portion of stock are payable.

(2) In the event of the redemption of stock the register relating to the stock may be permanently closed for transfers of amounts of the stock on any day not more than one month immediately preceding the date on which the redemption is to take effect.

Payment of dividends.

7. The Corporation shall pay by the registrar the dividends on stock to the persons whose names are recorded as the holders of the stock at the date on which the dividends are payable or if the stock register was closed under paragraph 6 of this schedule prior to the payment of dividends at the date on which the register was closed.

8. The Corporation or the registrar shall not be required to pay any executors or any administrators any dividends on stock held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the registrar for registration. 2ND SCH. —*cont.* Evidence of title from executors &c.

9. The registrar before paying any dividend on stock may if the circumstances of the case appear to him to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of competent persons or evidence of such other nature as the registrar with the approval of the Corporation may require. Evidence of title generally.

10.—(1) Dividends on stock and any money becoming payable by reason of the redemption of stock shall be paid by the registrar by means of warrants sent through the post to the registered address of the person registered as the holder of the stock in respect of which the dividend or other money is payable (or in the case of joint holders of stock to the registered address of that one of them whose name stands first on the register relating to that stock) or to such other person and to such other address as the holder (or in the case of joint holders all the holders) may direct in writing addressed to the registrar: Payment of dividends and redemption moneys.

Provided that in the case of the redemption of stock the registrar may (if he thinks fit) require the holder or the joint holders (as the case may require) of the stock to make application in writing specifying the person to whom payment of the money payable on the redemption of the stock is to be made and the address to which the warrant is to be sent and upon receipt of such application the registrar shall make the payment in accordance therewith.

(2) The posting of any such warrant as aforesaid in a prepaid letter directed to such address as aforesaid shall as respects the liability of the Corporation and of the registrar be equivalent to the delivery of the warrant to the holder himself.

(3) Every warrant as aforesaid so sent by post shall be deemed to be a cheque and the Corporation and the registrar in relation thereto shall be deemed to be a banker within the Bills of Exchange Act 1882. 45 & 46 Vict. c. 61.

(4) For the purposes of this paragraph the personal representative or personal representatives of a deceased person shall be deemed to be the holder or joint holders (as the case may require) of the amount of stock held by that person immediately before the date of his death.

11. An authority to execute a deed of transfer of stock must be by deed and the execution of the deed containing any such authority must be attested by a credible witness. Powers of attorney.

THIRD SCHEDULE.

PROVISIONS OF THE MANCHESTER SHIP CANAL ACT 1891 REPEALED.

Section 40 Appointment of registrar.

Section 41 Corporation stock registrar.

Section 42 Certificates of proprietorship of stock.

Section 43 Power for stockholder to transfer.

Section 44 Transfer in books.

Section 45 Transfer by deed.

Section 46 Evidence on transfer.

Section 47 Closing of transfer books.

Section 48 Stamp duty on transfers.

Section 51 Payment of dividends.

Section 52 Dividends to executors &c.

Section 53 Evidence of title.

Section 55 Dividend warrants by post.

Subsections (1) and (2) of section 56 Provisions respecting stock certificates with coupons to bearer.

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