# CHAPTER xxix

An Act to empower the lord mayor, aldermen and citizens of the city of Manchester to acquire lands and construct works in the city, to provide for the abandonment of the construction of the street works authorised by the Manchester Corporation Act, 1958, to make further provision with reference to the local government and finances of the city; and for other purposes.

[19th July, 1961]

WHEREAS—

(1) The city of Manchester (in this Act called " the city ") is a county borough under the management and local government of the lord mayor, aldermen and citizens of the city (in this Act called " the Corporation "):

(2) By the Manchester Corporation Act, 1958, the Corporation were authorised to construct certain street works in the city:

(3) It is expedient that the Corporation should be empowered to abandon the construction of the street works authorised by the Manchester Corporation Act, 1958, and in substitution therefor to construct the works authorised by this Act:

(4) It is expedient to empower the Corporation to acquire lands compulsorily for the purposes mentioned in this Act:

(5) It is expedient to make further provision with reference to the local government and finances of the city:

(6) It is expedient that the other provisions contained in this Act be enacted:

(7) The purposes of this Act cannot be effected without the authority of Parliament:

(8) Estimates have been prepared by the Corporation for and in connection with the following purposes:—

| | |
|---|---|
| (*a*) The construction of the viaduct comprised in Street Work No. 1 authorised by this Act ... ... ... ... ... ... | £2,000,000 |
| (*b*) The covering of the river Medlock near London Road comprised in Street Work No. 1 authorised by this Act ... ... | £10,000 |
| (*c*) The construction of the other street works authorised by this Act ... ... ... | £1,490,000 |
| (*d*) The purposes of the water undertaking of the Corporation including the provision of mains, pipes, filtration plant, pumps and other works and the acquisition of lands and easements ... ... ... | £1,000,000 |

(9) The works included in such estimates are permanent works and it is expedient that the Corporation be empowered to borrow money for those purposes as provided by this Act:

(10) 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:

(11) Plans and sections showing the lines and levels of the works 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 in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the city which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, sections and book of reference:

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

**Short and collective titles.**

**1.**—(1) This Act may be cited as the Manchester Corporation Act, 1961.

(2) The Manchester Corporation Acts, 1844 to 1958, and this Act may be cited together as the Manchester Corporation Acts, 1844 to 1961.

Incorporation of Lands Clauses Acts.

**2.** The Lands Clauses Acts except section 92, sections 127 to 133 and sections 150 and 151 of the Lands Clauses Consolidation Act, 1845 (so far as the same 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:

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section.

Interpretation.

**3.**—(1) In this Act the several words and expressions to which meanings are assigned by section 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—

"the Act of 1958" means the Manchester Corporation Act, 1958;

"the Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, by Part V of the Town and Country Planning Act, 1947, by the Lands Tribunal Act, 1949, by the Town and Country Planning Act, 1954, by the Town and Country Planning Act, 1959, and by this Act.

(3) Unless the subject or context otherwise requires or provides, words and expressions to which meanings are assigned by—

(*a*) the Act of 1958; or

(*b*) the Acts wholly or partly incorporated with the Act of 1958 or with this Act;

shall in this Act have the same respective meanings.

(4) Except where the context otherwise requires 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.

Power to acquire lands.

**4.**—(1) Subject to the provisions of this Act, the Corporation may enter upon, take and use such of the lands in the city, delineated on the deposited plans and described in the deposited book of reference, as may be required for the purposes of the works authorised by this Act and the improvement and development of frontages or of any lands abutting on or adjacent to any street.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of five years from the first day of December nineteen hundred and sixty-one.

Amendment of section 5 of the Act of 1958

**5.**—(1) Section 5 (Power to acquire lands) of the Act of 1958 shall have effect as if—

(*a*) for the word " works " there were substituted the words " river work "; and

(*b*) the words " and the improvement and development of frontages or of any lands abutting on or adjacent to any street " were omitted.

(2) In any case in which a notice to treat has been served in pursuance of the Act of 1958 in reference to any of the lands referred to in the last foregoing section, or to any interest in any of those lands, the further steps to be taken for the acquisition of such lands or interest may be taken in pursuance of this Act.

Acquisition of houses unfit for human habitation.

**6.**—(1) Subject to the modifications specified in subsection (2) of this section, the provisions of Part I of the Second Schedule to the Town and Country Planning Act, 1959, shall have effect as to compensation in respect of the compulsory acquisition of land under section 4 (Power to acquire lands) of this Act as they have effect as to compensation in respect of the acquisition of land in the circumstances mentioned in that schedule.

(2) The modifications referred to in the preceding subsection are the following modifications of Part I of the said Second Schedule:—

(*a*) paragraph 1 shall have effect as if in sub-paragraph (1) the following words were substituted for the words in head (*b*):—

" it is an acquisition under section 4 (Power to acquire lands) of the Manchester Corporation Act, 1961 ";

(*b*) paragraph 2 shall have effect as if—

(A) in sub-paragraph (1)—

(i) the following words were substituted for heads (*a*) to (*e*):—

" an acquisition under section 4 (Power to acquire lands) of the Manchester Corporation Act, 1961 ";

(ii) the expression " (in any such case) " were deleted;

(iii) for the reference to " an appropriate local authority " there were substituted a reference to " the Corporation ";

(B) in sub-paragraph (2)—

(i) for the reference to " The local authority " where it first occurs there were substituted a reference to " The Corporation ";

(ii) the following words were substituted for heads (*a*) and (*b*):—

" that order is confirmed by the Minister before the service of a notice to treat in respect of the land ";

(iii) for the reference to " the acquiring authority" there were substituted a reference to " the Corporation " ;

(C) in sub-paragraphs (3) and (4) for the reference to " the local authority by whom the order was made," " the local authority " and " the authority " there were substituted references to "the Corporation";

(D) sub-paragraph (6) were omitted;

(*c*) paragraph 3 shall have effect as if in head (*a*) in sub-paragraph (1) the words " on the passing of the Manchester Corporation Act, 1961 " were substituted for the words " on the date of the making of the compulsory purchase order in pursuance of which the acquisition is effected ".

Power to construct works.

**7.** Subject to the provisions of this Act, the Corporation may, within the city, make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections, the works referred to in this section, together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say:—

Street Work No. 1 A new street from Chester Road, Hulme to Fairfield Street, Ardwick including—

(*a*) the construction of a viaduct from a point approximately one hundred and fifteen yards east of the junction of River Street and Welcomb Street to a point approximately thirty-three yards east of the junction of Greek Street and Bedlow Street;

(*b*) diversions and improvements of Chester Road, Blackshaw Street, Medlock Street, Cambridge Street, London Road, Downing Street, Baring Street, Tipping Street, Nether Street, Manor Street, Cotter Street, Hoyle Street, and Fairfield Street;

(*c*) the covering of the river Medlock near London Road;

(*d*) the construction of pedestrian subways under the new street;

Street Work No. 2 A new street from City Road at its junction with Gloucester Grove to Street Work No. 1 at Leaf Street, including widenings and improvements of Clopton Street, Bedford Street and Hulme Street;

Street Work No. 3 A new street from Street Work No. 1 at Wood Street to Street Work No. 1 at Leaf Street,

including widenings and improvements of Melbourne Street, Garwood Street and Leaf Street;

Street Work No. 4 A new street from Street Work No. 1 near the junction of Chester Street and Elcom Street to Stretford Road at the junction of Downside Street and Nelson Street therewith including widenings and improvements of Clarendon Street, Downside Street and Nelson Street;

Street Work No. 5 A widening, lowering and variation of Oxford Road from a point approximately one hundred and three yards south-east of its junction with Loxford Street to its junction with Saville Street;

Street Work No. 6 A widening and improvement of Brook Street from its junction with Grosvenor Street to its junction with Cloak Street;

Street Work No. 7 A new street from Street Work No. 1 at a point approximately seventy yards east of the junction of York Street and Sidney Street to Street Work No. 6 near the junction of Brook Street and Berwick Street;

Street Work No. 8 A new street from Street Work No. 1 near the junction of Bedlow Street and Greek Street to Street Work No. 6 near the junction of Brook Street and Humbolt Street;

Street Work No. 9 A new street from Street Work No. 1 at a point approximately sixty-five yards east of the centre of Oxford Road to Street Work No. 6 near the junction of Brook Street and Stafford Street;

Street Work No. 10 A new street from Street Work No. 6 at its junction with Mount Street, Chorlton on Medlock to Sackville Street at a point approximately fifty-seven yards north-west of Mount Street, including widenings and improvements of Mount Street, Chorlton on Medlock and Sackville Street, and a junction with Street Work No. 1 at Mansell Street;

Street Work No. 11 A new street from Street Work No. 1 at a point approximately twelve yards south of Chapelfield Road to Union Street near its junction with Dark Lane.

Abandonment of certain works.

**8.** The Corporation shall abandon the construction of the Street Works Nos. 1 to 7 authorised by the Act of 1958.

Application of certain provisions of Act of 1958.

**9.**—(1) The following provisions of the Act of 1958 shall apply and have effect for the purposes of or in connection with the construction of the works authorised by this Act and the acquisition of lands under the powers of this Act and for the other purposes of this Act, as if those provisions were, subject to the

modifications contained in subsection (2) of this section, in terms re-enacted in this Act, that is to say:—

Section 6 (Correction of errors in deposited plans and book of reference);
Section 7 (Acquisition of parts only of certain properties);
Section 8 (Power to expedite entry);
Section 9 (Power to enter for survey or valuation);
Section 10 (Disregard of recent improvements and interests);
Section 13 (Extinction of private rights of way);
Section 14 (Grant of easements by persons under disability);
Section 16 (Power to reinstate owners or occupiers of property);
Section 18 (Agreements with adjoining owners);
Section 22 (Limits of deviation);
Section 23 (Subsidiary street works);
Section 24 (Alteration of steps, etc.);
Section 27 (Underpinning of buildings);
Section 29 (For protection of Postmaster-General);
Subsection (1) of section 77 (Application of general provisions of Act of 1936);
Section 79 (For protection of North Western Gas Board) except paragraphs (3) and (8);
Section 80 (For protection of electricity undertakers) except paragraph (12);
Section 83 (Saving for town and country planning);
Part I of the Second Schedule.

(2) (*a*) Any references in the said applied provisions to "the works authorised by this Act" or "the street works authorised by this Act" shall be construed as references to the works authorised by this Act.

(*b*) Any references in the said applied provisions to "this part of this Act" shall be construed as references to this Act.

(*c*) Any references in the said applied provisions to "the deposited plans" "the deposited book of reference" or "the deposited sections" shall be construed as references to the deposited plans, the deposited book of reference or the deposited sections as defined in the preamble to this Act.

(*d*) Any references in the said applied provisions to section 21 (Power to construct works) of the Act of 1958 shall be construed as a reference to section 7 (Power to construct works) of this Act.

(*e*) The references in the said applied provisions to section 23 (Subsidiary street works), section 24 (Alteration of steps etc.) and section 27 (Underpinning of buildings) of the Act of 1958 shall be construed as references to those sections as applied to this Act.

(*f*) Any references in the said applied provisions to section 25 (Subsidiary river works) of the Act of 1958 shall be omitted.

(*g*) In section 8 (Power to expedite entry) of the Act of 1958, as so applied, for the words " one month " there shall be substituted the words " three months ".

(*h*) In section 9 (Power to enter for survey or valuation) of the Act of 1958, as so applied, for the words " twenty-four hours' " and " twelve hours' " there shall be substituted respectively the words " seven days' " and " twenty-four hours' ".

(*i*) The reference to " the fifth day of December nineteen hundred and fifty-seven " in section 10 (Disregard of recent improvements and interests) of the Act of 1958 as so applied shall, in relation to any land which the Corporation are authorised to acquire by this Act, but which they were not authorised to acquire by the Act of 1958, be construed as a reference to the fifth day of December, nineteen hundred and sixty.

(*j*) In section 22 (Limits of deviation) of the Act of 1958, as so applied, the words " in the case of the river work authorised by this Act two feet either upwards or downwards or in the case of any other works " shall be omitted.

(*k*) After the words " the Manchester Corporation Act 1958 " in paragraph (6) of section 79 (For protection of North Western Gas Board) of the Act of 1958 and in paragraph (9) of section 80 (For protection of electricity undertakers) of the Act of 1958 as so applied there shall be inserted the words " as applied by the Manchester Corporation Act, 1961 ".

(*l*) Subsection (4) of section 29 (For protection of Postmaster-General) of the Act of 1958 as so applied shall apply in relation to the lands numbered 1011 and 1012 on the deposited plans in addition to the lands in that subsection mentioned.

For protection of British Transport Commission.

**10.** For the protection of the British Transport Commission (hereinafter called " the commission ") the following provisions shall, unless otherwise agreed in writing between the Corporation and the commission, apply and have effect:—

(1) In this section—

" the railway property " means the lands numbered 1071 on the deposited plans and the railways, railway viaduct and railway works situate thereon and thereover;

" the engineer " means an engineer to be appointed by the commission;

" plans " includes sections, drawings and specifications;

"the authorised work" means so much of Street Work No. 1 as may be situate on the railway property or may in any way affect the same and includes the construction, maintenance and renewal of such works:

(2) (*a*) The Corporation shall not under the powers of this Act acquire any part of the railway property but they may, subject to the provisions of this paragraph, acquire such easements and rights in and over the same, as they shall require for the purposes of the authorised work and may give notice to treat in respect of such easements or rights, describing the nature thereof, and the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts;

(*b*) The Corporation shall not acquire any easement or right which would result in the structure of the said railway viaduct being interfered with:

(3) Upon the completion of the authorised work the commission shall dedicate to the use of the public in perpetuity so much of the railway property as shall have been taken and used for the construction of the authorised work:

(4) The Corporation shall before commencing the authorised work (other than works of construction, maintenance and repair which do not affect the railway property) furnish to the commission plans thereof for the reasonable approval of the engineer and shall not commence the authorised work until such plans have been approved in writing by the engineer, or, if he shall not approve the plans, until the same shall have been settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the commission the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved them:

(5) Upon signifying his approval or disapproval of the said plans the engineer may specify any temporary or permanent protective works which in his opinion should be carried out before the commencement of the authorised work, to ensure the stability of the railway property or to protect the same from injury, and such temporary or permanent protective works as may be reasonably necessary for those purposes may be constructed by the

commission, and the Corporation shall not commence the construction of the authorised work until such temporary or permanent protective works have been completed:

Provided that—

(*a*) any temporary or permanent protective works to be constructed by the commission in pursuance of this paragraph shall be constructed with all reasonable dispatch;

(*b*) the commission shall furnish the Corporation with particulars of any such specification and of any temporary or protective works they propose to carry out and give notice to the Corporation of the completion of such works:

(6) The Corporation shall give to the engineer twenty-eight days' notice in writing of their intention to commence the authorised work except in case of emergency when they shall give such notice thereof as may be reasonably practicable:

(7) The authorised work shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to the railway property as may be and so as not to interfere with, delay or interrupt the traffic on the railway, and if any damage to the railway property or any such interference, delay or interruption shall be caused or take place by reason of the authorised work, the Corporation shall notwithstanding any such approval as aforesaid forthwith make good such damage and pay to the commission all reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference, delay or interruption, other than damage, interference, delay or interruption caused by the act, neglect or default of the commission, their servants or agents:

(8) The Corporation shall at all times afford reasonable facilities to the engineer for access to the authorised work and shall supply him with all such information as he may reasonably require with regard to the authorised work, or the method of construction thereof:

(9) The commission shall at all times afford reasonable facilities to the Corporation and their agents for access

to any works carried out by the commission under this section during their construction and shall supply the Corporation with such information as they may reasonably require with regard to such works or the method of construction thereof:

(10) If any alterations or additions either permanent or temporary to the railway property shall be reasonably necessary in consequence of the authorised work, such alterations and additions may be effected by the commission after notice has been given to the Corporation and the Corporation shall repay to the commission the reasonable cost thereof including a capitalised sum representing the increased or additional cost of maintaining, working, and, when necessary, renewing any such alterations or additions:

(11) The Corporation shall repay to the commission all costs, charges and expenses reasonably incurred by the commission by reason of the authorised work—

(*a*) in respect of the construction by the commission of any temporary or permanent protective works under the provisions of paragraph (5) of this section;

(*b*) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing as far as may be all interference, obstruction, danger or accident arising from the authorised work;

(*c*) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer require to be imposed and which may be due to the construction of the authorised work or from the substitution or diversion of services; and

(*d*) in additional lighting of railway property in the vicinity of the authorised work:

(12) If at any time after the construction of the authorised work the commission shall give notice to the Corporation informing them that the state of repair of the authorised work appears to be such as to affect prejudicially the railway property, the Corporation shall within twenty-eight days of the receipt of any such notice commence to take and thereafter complete taking such steps (if any) as may be reasonably necessary to put the authorised work in such state of repair as not to affect prejudicially the railway property, and, if and whenever the Corporation fail to do so, the commission may make

and do in and upon the lands of the commission or of the Corporation all such works and things as shall be requisite to put the authorised work in such state of repair as aforesaid and the costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the Corporation:

Provided that the commission shall give to the Corporation twenty-eight days' notice of their intention to do any such works or things except in case of emergency when they shall give such notice as may be reasonably practicable:

(13) The Corporation shall be responsible for and make good to the commission all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to the commission by reason of the authorised work or the failure thereof or by reason of any act or omission of the Corporation, their servants or agents whilst engaged upon the authorised work, and the Corporation shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of or in connection with the authorised work or any such failure, act or omission as aforesaid and the fact that any work or thing may have been done in accordance with any plan approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not excuse the Corporation from any liability under the provisions of this section, unless such costs, damages or expenses shall be occasioned, or such claims and demands shall arise by reason of the neglect or default of the commission, their servants or agents:

Provided that the commission shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the consent of the Corporation:

(14) Any additional expense which the commission may reasonably incur, after giving one month's notice thereof to the Corporation, in widening, altering, reconstructing or maintaining the railway of the commission in pursuance of any powers existing at the passing of this Act, by reason of the construction of the authorised work, shall be repaid by the Corporation to the commission:

(15) Before providing any illumination on the works the Corporation shall consult with the commission and shall comply with any reasonable requirements of the commission in regard thereto:

or shares of at least five per centum per annum for each of the four years immediately preceding the date of investment, or if the company has been incorporated or registered or has been trading for less than four years before that date unless—

(A) the company has paid such a dividend on its ordinary stock or shares for each of the years since incorporation or registration or commencement of trading as the case may be; or

(B) in the case of a company which has not been incorporated or registered or trading for at least one year before the date of investment but which has been formed by the amalgamation of other companies each of such other companies has paid a dividend on its ordinary stock or shares of at least five per centum per annum for each of the four years immediately preceding the date of the amalgamation;

(ii) no investment shall be made at any time when the value of all the investments made under the said paragraph (*e*) which form part of the superannuation fund equals or exceeds one-half of the total value of the assets of that fund ".

(2) In the said section 24, as amended by this section, the expression " recognised stock exchange " means any body of persons which is for the time being a recognised stock exchange for the purposes of the Prevention of Fraud (Investments) Act, 1958.

(3) All costs, charges and expenses incurred by the Corporation in investing moneys forming part of their superannuation fund or otherwise in relation thereto shall be paid by the Corporation out of the said fund.

Power to borrow.

**15.**—(1) The Corporation may borrow without the consent of any sanctioning authority for any of the purposes specified in the first column of the following table the sums specified in relation thereto in the second column of that table.

(2) The period for the repayment of a sum borrowed under this section shall not exceed the period specified in relation thereto in the third column of the said table.

(3) Subject to the provisions of this section, Part IX of the Local Government Act, 1933, shall have effect as if moneys borrowed under this section were borrowed under that Part and as if the following table were in the Eighth Schedule to that Act.

| Purpose | Amount | Period for repayment calculated from the date or dates of borrowing |
|---|---|---|
| (*a*) The purchase of lands under the powers of this Act | The sum requisite | Sixty years. |
| (*b*) The construction of the viaduct comprised in Street Work No. 1 authorised by this Act | £2,000,000 | Thirty years. |
| (*c*) The covering of the river Medlock near London Road comprised in Street Work No. 1 authorised by this Act | £10,000 | Thirty years. |
| (*d*) The construction of the other street works authorised by this Act | £1,490,000 | Twenty years. |
| (*e*) The purposes of the water undertaking of the Corporation including the provision of mains, pipes, filtration plant, pumps and other works and the acquisition of lands and easements | £1,000,000 | Forty years. |
| (*f*) The payment of the costs, charges and expenses of this Act | The sum requisite | Five years. |

(4) It shall not be lawful to exercise the powers of borrowing conferred by this section (other than the power of borrowing to pay the costs, charges and expenses of this Act) except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

(5) Section 56 (Power to borrow) of the Act of 1958 shall have effect as if purposes (*b*) and (*c*) were omitted.

Agreements as to Crown property.

**16.**—(1) The provisions of this section shall apply in relation to any house, building or other premises being property belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to a government department, or held in trust for Her Majesty for purposes of a government department.

(2) The authority which in relation to any such property in the city is for the purposes of this section the appropriate authority and the Corporation may agree that any provisions of any local enactment for the time being in force in the city

which may be specified in the agreement shall apply to that property and, while the agreement is in force, those provisions shall apply to that property accordingly, subject however to the terms of the agreement.

(3) Any such agreement as aforesaid may contain such consequential and incidental provisions, including, with the approval of the Treasury in the case of an agreement with a government department, provisions of a financial character, as appear to the appropriate authority to be necessary or equitable.

(4) In this section the expression " the appropriate authority " means—

(*a*) in the case of property belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the property in question;

(*b*) in the case of property belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(*c*) in the case of property belonging to a government department or held in trust for Her Majesty for purposes of a government department, that department;

and, if any question arises as to what authority is the appropriate authority in relation to any property, that question shall be referred to the Treasury, whose decision shall be final.

Recovery of expenses from successive owners.

**17.** Where pursuant to the provisions of section XVII (If owners neglect to remove obstructions, &c. pursuant to Order, Council may cause the same to be done at the expense of owners) of the Manchester General Improvement Act, 1851, or section XLII (In case of neglect of owners, Council may make private drains into sewers) of the Manchester New Streets Act, 1853, the Corporation have after the passing of this Act incurred expenses for the repayment of which the owner of any lands and houses or buildings in respect of which the expenses were incurred is liable, those expenses, together with interest thereon, may, without prejudice to any other remedies available to the Corporation under any other enactment, be recovered by the Corporation from the owner for the time being of the said lands and houses or buildings.

Costs of Act.

**18.** All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

# SCHEDULE

## PART I

### STREETS TO BE STOPPED UP WHOLLY OR IN PART

Back Brewery Street
Back Downing Street
Baring Street
Blackett Street
Boden Street
Bond Street
Braley Street
Chapelfield Lane
Chapelfield Road
Chorley Street
Dark Lane
Downing Street
Egerton Place
Heaton Street
Hillcourt Street
Hinchliffe Street
Hollym Street
London Road
Manor Street
Mill Street
Mission Street
Nether Street
Newcastle Street
North Western Street
Nut Street
Robert Street
Temperance Street
Thirsk Street
Tipping Street
Union Street
Water Street
Wood Street West

## PART II

### STREETS MENTIONED IN THE FIRST SCHEDULE TO THE ACT OF 1958, OF WHICH THE NAMES HAVE BEEN ALTERED

| Name of streets in First Schedule to the Act of 1958 | Altered name |
|---|---|
| Harris Street | Atlas Street |
| Howard Street | Hoxton Street |
| Hughes Street | Humbolt Street |
| James Place | Jenner Place |
| George Street | Hulme Street |

*Table of Statutes referred to in this Act*

| Short title | Session and chapter |
|---|---|
| Lands Clauses Consolidation Act, 1845 ... | 8 & 9 Vict. c. 68. |
| Manchester General Improvement Act, 1851... | 14 & 15 Vict. c. cxix. |
| Manchester New Streets Act, 1853 ... ... | 16 & 17 Vict. c. xci. |
| Acquisition of Land (Assessment of Compensation) Act, 1919 | 9 & 10 Geo. 5 c. 57. |
| Manchester Corporation Act, 1920 ... ... | 10 & 11 Geo. 5 c. xcvii. |
| Local Government Act, 1933 ... ... ... | 23 & 24 Geo. 5 c. 51. |
| Borrowing (Control and Guarantees) Act, 1946 | 9 & 10 Geo. 6 c. 58. |
| Town and Country Planning Act, 1947 ... | 10 & 11 Geo. 6 c. 51. |
| Lands Tribunal Act, 1949 ... ... ... | 12 & 13 Geo. 6 c. 42. |
| Arbitration Act, 1950 ... ... ... ... | 14 Geo. 6 c. 27. |
| Town and Country Planning Act, 1954 ... | 2 & 3 Eliz. 2 c. 72. |
| Manchester Corporation Act, 1956 ... ... | 4 & 5 Eliz. 2 c. lxxxiii. |
| Prevention of Fraud (Investments) Act, 1958... | 6 & 7 Eliz. 2 c. 45. |
| Manchester Corporation Act, 1958 ... ... | 7 Eliz. 2 c. vii. |
| Highways Act, 1959 ... ... ... ... | 7 & 8 Eliz. 2 c. 25. |
| Town and Country Planning Act, 1959 ... | 7 & 8 Eliz. 2 c. 53. |

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in the second column of the said Part II (being the altered names of the streets respectively mentioned in the said first column); and

(3) in paragraph (*a*) of the proviso to subsection (1) of the said section 28 for the reference to the new street (Street Work No. 1) authorised by the Act of 1958 there were substituted a reference to the new street (Street Work No. 1) authorised by this Act; and

(4) Hunmanby Avenue, Duckworth Street and Cakebread Street were mentioned in subsection (2) of the said section 28, in addition to the highways therein mentioned and Clarendon Street were omitted from the said subsection (2); and

(5) for the references in the said section 28 to the deposited plans there were substituted references to the deposited plans as defined in the preamble to this Act.

Scheme under section 11 of Highways Act, 1959.

**13.** A scheme may be made and confirmed under section 11 of the Highways Act, 1959, authorising the Corporation to provide as a special road the whole or any part of the street works authorised by this Act and for the purpose of any such scheme the said section 11 shall have effect as if so much of the said street works as are comprised in the route prescribed by the scheme were a new highway to be constructed along that route.

Amendment of section 24 of Manchester Corporation Act, 1956.

**14.**—(1) Section 24 (Investment of superannuation fund) of the Manchester Corporation Act, 1956, as amended by section 55 of the Act of 1958, shall have effect as if the following modifications were made in the subsection which is by the said section 24 substituted for subsection (2) of section 70 (Use and investment of superannuation fund) of the Manchester Corporation Act, 1920—

(*a*) in paragraph (*e*) after the words "United Kingdom Parliament" there shall be inserted the words "or under any royal charter or registered or incorporated in any such dominion, commonwealth, union, dependency, colony, province or state as aforesaid" and for the words "the London Stock Exchange" there shall be substituted the words "any recognised stock exchange";

(*b*) the following shall be substituted for the proviso:—

"Provided that the investment of any part of the superannuation fund in any investment of the nature specified in paragraph (*e*) of this subsection shall be subject to the following qualifications:—

(i) no investment shall be made in any company which has not paid a dividend on its ordinary stock

(16) Any difference arising between the Corporation and the commission under this section (other than a difference as to the meaning or construction of this section) or any matter which under this section is required to be settled by arbitration shall be referred to a single arbitrator to be agreed between the parties, or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

For protection of Mersey River Board.

**11.** The following provisions for the protection of the Mersey River Board (in this section called " the board ") shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

(1) That part of Street Work No. 1 comprising the covering of the river Medlock near London Road and authorised by section 7 (Power to construct works) of this Act shall be constructed only in accordance with plans, sections and specifications to be submitted to and reasonably approved by the board:

(2) If the board do not within two months of the submission to them of any plans, sections and specifications pursuant to paragraph (1) of this section intimate to the Corporation their approval or disapproval thereof, they shall be deemed to have approved of the same:

(3) Any dispute which may arise between the Corporation and the board under this section shall be referred to an engineer to be agreed between the Corporation and the board or failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party after notice in writing to the other of them and subject thereto the provisions of the Arbitration Act, 1950, shall apply to any such reference.

Stopping up of highways.

**12.** Section 28 (Stopping up of highways) of the Act of 1958 and the First Schedule to that Act shall have effect as if—

(1) the highways mentioned in Part I of the schedule to this Act were included in the highways mentioned in the First Schedule to the Act of 1958 in addition to the highways therein mentioned; and

(2) for the names of the streets in the First Schedule to the Act of 1958, which are mentioned in the first column of Part II of the schedule to this Act, there were substituted the respective names of the streets mentioned