CHAPTER clxxv.

An Act to empower the Corporation of Nottingham to construct additional tramways to make certain street improvements and waterworks and for other purposes. A.D. 1905.

[4th August 1905.]

WHEREAS the mayor aldermen and citizens of the city of Nottingham and county of the same city (in this Act referred to as "the Corporation") are the owners of an extensive system of tramways within the city and are working the same and it is expedient that the Corporation should be empowered to construct the additional tramways in this Act described and that they should be empowered to work the same:

And whereas it is expedient that the Corporation should be empowered to make and maintain the street improvements and to acquire the lands within the city in this Act respectively mentioned or referred to:

And whereas the Corporation are the owners of waterworks and supply water within the city and neighbourhood under and subject to various Acts of Parliament including the Acts and Orders confirmed by Act of Parliament set forth in the schedule to this Act (referred to in this Act as "the Corporation Water Acts") and it is expedient that the Corporation should be empowered to make the new waterworks in this Act mentioned:

And whereas it is expedient that the further powers in this Act contained should be conferred upon the Corporation:

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

[*Price* 2*s.* 3*d.*]

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

For and in connection with the construction of the tramways by this Act authorised - -	£57,000
For and in connection with the purchase of lands for and the execution of the street improvements by this Act authorised - - -	£38,700

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

And whereas an absolute majority of the whole number of the council at a meeting held on the fifth day of December one thousand nine hundred and four after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Nottingham Daily Express a local newspaper published and circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas the said resolution was published twice in the said Nottingham Daily Express newspaper and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the second day of January one thousand nine hundred and five being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

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

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

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Nottingham Corporation Act 1905.

Incorporation of Acts.

2. The following Acts and parts of Acts so far as they 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 (namely):—

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

Section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 Provided that section 19 shall in regard to its incorporation with this Act be read and have effect as if the words "but nothing "in this Act contained shall authorise any local authority "to place or run carriages upon such tramway and to "demand and take tolls and charges in respect of the use "of such carriages" were omitted from that section:

Provided also that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878.

Interpretation.

3. In this Act words and expressions to which meanings are assigned by the Acts and parts of Acts (whether public general or local) incorporated with this Act or by the Public Health Act 1875 shall have the same respective meanings unless there is something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires—

"The Corporation" means the mayor aldermen and citizens of the city of Nottingham and county of the same city;

"The city" means the city of Nottingham and county of the same city;

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"The council" means the council of the city;

"The town clerk" means the town clerk of the city;

"The medical officer" means the medical officer of health for the city;

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

"The Order of 1877" "the Act of 1897" "the Act of 1899" "the Act of 1900" and "the Act of 1902" mean respectively the Nottingham and District Tramways Order 1877 confirmed by the Tramways Orders Confirmation Act 1877 the Nottingham Improvement Act 1897 the Nottingham Corporation Act 1899 the Nottingham Corporation Act 1900 and the Nottingham Corporation Act 1902;

"The Corporation Water Acts" means the Acts and Provisional Orders confirmed by Act of Parliament relating to the water undertaking of the Corporation and specified in the schedule to this Act;

"The tramways" means the tramways by this Act authorised;

"The tribunal" means the jury arbitrators umpire or other authority to whom any question of disputed compensation under this Act is referred;

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

"Statutory securities" has the same meaning as that assigned to it by the Act of 1897.

Part II.

Tramways.

Power to make tramways.

4. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways (all within the city) hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers channels passages and tubes for ropes cables wires and electric lines junctions turntables turnouts crossings passing places posts conduits boxes manholes stables carriage houses engine and boiler houses sheds buildings engines dynamos batteries transforming stations works and conveniences connected therewith respectively.

The tramways in this section referred to and authorised by this Act are—

Tramway No. 1 (double line 1 mile 3 furlongs and 6·46 chains in length) commencing in King Edward Street by a junction with an existing tramway thence proceeding in an easterly direction along Bath Street Carlton Road Southwell Road Manvers Street Sneinton Hermitage and into along and terminating in Colwick Road:

Tramway No. 1A (double line 2·90 chains in length) commencing in St. Ann's Well Road by a junction with an existing tramway thence proceeding in a southerly direction to and terminating in Bath Street by a junction with Tramway No. 1:

Tramway No. 2 (double line 2 furlongs and 0·80 chain in length) commencing in Manvers Street by a junction with Tramway No. 1 thence proceeding in a westerly direction along Pennyfoot Street Fisher Gate Plumptre Square and into and terminating in London Road by a junction with Tramway No. 4 authorised by the Act of 1902:

Tramway No. 2A (double line 1·86 chains in length) commencing in Manvers Street by a junction with Tramway No. 1 thence proceeding in a westerly direction to and terminating in Pennyfoot Street by a junction with Tramway No. 2:

Tramway No. 3 (single line 1 furlong and 2·08 chains in length) commencing in Bath Street by a junction with Tramway No. 1 thence proceeding in an easterly direction along Handel Street to and terminating in Carlton Road by a junction with Tramway No. 33A authorised by the Nottinghamshire and Derbyshire Tramways Act 1903:

Tramway No. 4 (double line 1·16 chains in length) commencing in Bath Street by a junction with Tramway No. 1 thence proceeding in a south-easterly direction to and terminating in Carlton Road:

Tramway No. 5 (single line 1·70 chains in length) commencing in Bath Street by a junction with Tramway No. 1 thence proceeding in a north-easterly direction to and terminating in Carlton Road by a junction with Tramway No. 6:

Tramway No. 6 (double line 3·68 chains in length) commencing in Carlton Road by a junction with Tramway No. 1 thence proceeding in a north-easterly direction along

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and terminating in Carlton Road by a junction with Tramway No. 33A authorised by the Nottinghamshire and Derbyshire Tramways Act 1903.

Supply of energy from electricity works.

5. The Corporation may for the purpose of working the tramways by electrical power supply and use electrical energy from the electricity works for the time being of the Corporation.

As to electrical works &c.

6. The Corporation may in under or over the surface of the streets or roads in which any tramways of the Corporation are or will be situate or in which it may be necessary so to do in order to connect the tramways with any generating station construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working the tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder:

Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

Apparatus used for mechanical power to be deemed part of tramway.

7. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the tramway.

Widening roadway by reducing footway.

8. For the purpose of constructing or reconstructing the tramways or any tramways in the city for the time being belonging or in lease to the Corporation they may increase the width of the roadway of any street by reducing the width of the footway on each or either side of such street Provided that any footway shall not be reduced to such an extent as to be less than six feet wide except in the following instances (namely) In London Road on the western side at the northern end near its junction with Red Lion Street and for a length not exceeding fifty feet and in Bath Street on the western side from Gedling Street to Carlton Road.

Shelters or waiting-rooms.

9. The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers and may use for that purpose portions of the public streets or roads within the city.

Gauge of tramways.

10. The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be approved by the Board of Trade but carriages or trucks adapted to run on railways shall not be run thereon.

Cross-overs to be constructed in certain cases.

11. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Junction with tramways.

12. The Corporation may form junctions between any tramways for the time being belonging or in lease to the Corporation and any tramways tramroads or light railways within or without the city which can be worked in connection therewith but only with the consent of the owners and lessees of such tramways tramroads and light railways respectively and of the local and road authority within whose jurisdiction such junctions would be formed.

Power to Corporation to work tramways.

13.—(1) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages.

(2) The Corporation may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power but nothing in this subsection shall empower the Corporation to create or permit a nuisance.

Regulations by Corporation.

14. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging or in lease to and worked by the Corporation be made by the Corporation alone.

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Period for completion of works.

15. The tramways by this Act authorised shall be completed as regards Tramway No. 1 within a period of two years from the completion of the street improvements by this Act authorised or seven years from the passing of this Act whichever period shall first elapse and as regards the other tramways within five years from the passing of this Act and on the expiration of those periods respectively the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Working and other agreements.

16. The Corporation may enter into and fulfil agreements with the owner or lessee of any tramway within or beyond the city which can be worked with any tramway for the time being belonging or in lease to the Corporation (each of whom is in this section referred to as "the owning authority") with respect to the following purposes or any of them and all matters incidental or necessary thereto (that is to say) :—

(1) The working running over use management occupation and maintenance by any of the contracting parties of the undertakings and tramways of or leased to the other or others of them or any part or parts thereof respectively :

(2) The working and leasing of their respective tramways or any part thereof and the conveyance of traffic thereon :

(3) The supply under and during the continuance of every such agreement for the tramways of the contracting parties or any of them being worked by the other or others of them of carriages engines and horses necessary for the purposes of such agreement and the employment of officers and servants :

(4) The interchange of traffic between the undertakings of or leased to the contracting parties or any of them :

(5) The payment collection and apportionment of tolls rents fares charges or other receipts arising upon the respective tramways :

(6) The appointment of joint committees for the carrying into effect of such agreements :

And for the purposes of and during the continuance of any such agreement the Corporation or the owning authority working or running over managing or occupying any tramways shall in

accordance with and to the extent provided by such agreement have and may exercise in respect of the tramways worked run over used managed occupied or maintained by them all such and the like powers rights and remedies for the taking collection and recovery of tolls fares and charges and otherwise howsoever as are by or under the Acts respectively relating to such tramways conferred upon the Corporation or owning authority.

For the purposes of this section a tramway shall include a tramroad and light railway.

Periodical revision of rates and charges.

17. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the city or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided that a copy of this section shall be annexed to every table or list of fares published or exhibited by the Corporation.

As to running through cars and charges for same.

18. Notwithstanding the provisions of sections 11 12 and 13 of the Act of 1902 the Corporation may run through cars along any of the routes of the tramways for the time being belonging to or in lease to the Corporation or any specified portion thereof and such cars shall be distinguished from other cars in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars a fare or charge not exceeding the maximum fare allowed by this Act for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car.

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Corporation may run omnibuses.

19.—(1) The Corporation may provide maintain work and run omnibuses (whether moved by animal or by mechanical power) within the city in connection with the tramways for the time being belonging to or in lease to the Corporation when the running of carriages thereon is impracticable or during the construction reconstruction alteration or repair thereof or in extension of any of such tramways and the Corporation may demand take and recover reasonable fares for the use of such omnibuses.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may provide such plant appliances and conveniences as may be necessary or expedient for the establishment running and equipment of such omnibuses.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon any omnibus belonging to them Provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) All expenses and receipts incurred in or arising from the exercise of the powers of this section shall be deemed to be part of the expenses and receipts of the tramway undertaking of the Corporation.

(5) The Corporation shall not use electrical energy as motive power on such omnibuses unless the electrical energy is entirely contained in and carried along with such omnibuses :

Provided that any omnibuses moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster General

(6) Section 14 (Omnibuses in connection with tramways) of the Act of 1902 is hereby repealed.

Penalty for malicious damage.

20. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any tramways for the time being belonging to or in lease to the Corporation anything which is calculated to obstruct or interfere with the working of such tramways or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Corporation shall be liable to a penalty not exceeding twenty pounds.

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Incorporation of certain provisions of Order of 1877 and Acts of 1897 1899 1900 and 1902.

21. The following provisions of the Order of 1877 and of the Act of 1897 the Act of 1899 the Act of 1900 and the Act of 1902 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways and in construing the said sections in the said Order for the purposes of this Act the expression "promoters" shall mean the Corporation and section 25 of the said Order shall for the purposes of this Act and that Order be read and have effect as if the Arbitration Act 1889 were referred to therein instead of the Common Law Procedure Act 1854 The incorporated provisions hereinbefore referred to are—

The Order of 1877.

Section 22 Tolls for animals goods &c.

Section 23 Promoters not bound to carry goods.

Section 24 Payment of tolls.

Section 25 Provisions as to arbitration.

Table B contained in the schedule to the said Order.

The Act of 1897.

Section 42 Provisions as to motive power.

Section 44 Restrictions on use of electric power.

Section 46 Byelaws.

Section 47 Amendment of the Tramways Act 1870 as to byelaws by local authority.

Section 48 Orders &c. of the Board of Trade.

Section 50 Prohibiting the raising of fares on Sundays and holidays.

The Act of 1899.

Section 11 Tramways to form part of tramway undertaking.

Section 12 Provisions as to construction of tramways.

Section 13 Rails of tramways.

Section 14 Penalty for not maintaining rails and road in good condition.

Section 15 Tramways to be kept on level of surface of road.

Section 17 Additional crossings &c. may be made where necessary.

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Section 18 Temporary tramways.
Section 19 Application of road materials excavated in construction of works.
Section 20 Tramways not to be opened until certified by Board of Trade.
Section 21 Traffic upon tramways.
Section 22 Rates for passengers.
Section 23 Passengers' luggage.
Section 24 Form and delivery of notices.
Section 48 Application of revenue.

The Act of 1900.

Section 16 Attachment of brackets to buildings.

The Act of 1902.

Section 9 Power to lay down double or interlacing lines in place of single lines and vice versâ and alteration of position.
Section 11 Corporation may appoint stopping and starting places.
Section 12 Power to fix stages.
Section 13 Cheap fares for labouring classes.
Section 16 For protection of Postmaster General.

For protection of London and North Western Railway Company.

22. The following provisions for the protection of the London and North Western Railway Company (hereinafter in this section referred to as "the company") shall (unless otherwise agreed) apply and have effect:—

Where Tramway No. 1 will pass in front of the entrance to the goods station of the company from Manvers Street no additional crossing passing-place siding junction or other work shall be made for the distance thereon extending in front of the said entrance to such station and for a length of ten yards at each end of such distance without the consent of the chief engineer of the company and without such consent no carriage used on the said tramway shall be stopped or permitted to be stopped within such distance and length except for and only for so long as shall be reasonably necessary for the purpose of discharging and taking up passengers and except when such stoppage is occasioned by circumstances over which the Corporation have no control:

In the event of any portion of the said Tramway No. 1 being worked by electricity on the overhead system any stays posts wires or other apparatus which the Corporation shall find it necessary to attach to any bridge or other work of the company shall be constructed to the satisfaction of the said chief engineer of the company and in accordance with plans previously submitted to and approved by him and the Corporation shall not commence any such works or any other works for the purpose of carrying overhead trolley or other wires for the working of the said Tramway No. 1 under the railway of the company until after one month's notice in writing to the company and the company may on receipt of such notice execute all works necessary for and incidental to the removal of their electric telegraphic telephonic and signalling wires and apparatus over the road along which the tramway is proposed to be laid and replacing the same underground or may make such other alterations in such wires or apparatus as may be reasonably necessary for the protection thereof or for avoiding danger from the breaking or falling of wires and the expenses reasonably incurred by the company in carrying out the provisions of this subsection shall be repaid to the company by the Corporation on demand:

If and when the company shall require to repair or paint such bridge the Corporation shall in order to ensure the safety of the workmen employed in such repairing or painting cut off the electric current from the trolley wires under such bridge at such times as shall be reasonably required by the said chief engineer of the company as shall not unduly interfere with the traffic on the tramways unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said chief engineer:

If any difference shall arise between the Corporation and the company or their respective engineers as to the true intent and meaning of the foregoing provisions of this section or the mode of giving effect thereto the same shall be determined by arbitration by an engineer to be appointed (unless agreed on) by the Board of Trade on the application of either party after notice in writing to the other of them.

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For protection of Great Northern Railway Company.

23. The following provisions for the protection of the Great Northern Railway Company (hereinafter in this section called "the company") shall unless with the previous consent of the company in writing under their common seal apply and have effect:—

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not without the previous consent of the company in writing enter upon take or use any land railway canal or work belonging to or worked by the company or occupied by them under any lease or working agreement:

(2) All works by this part of this Act authorised where the same will be made over upon across or under any railway canal or work belonging or leased to or worked by the company or will otherwise interfere with the same shall be constructed and maintained so as not to interfere with the structure of any bridge or tunnel belonging or leased to or maintainable by the company and according to plans sections and specifications to be previously submitted to and reasonably approved by the engineer of the company (hereinafter called "the engineer") or in case of difference between him and the engineer of the Corporation by an arbitrator to be appointed as hereinafter provided and under the superintendence and to the reasonable satisfaction of the engineer:

(3) If it becomes advisable having regard to the proposed position of the works of the Corporation when considered in relation to the position of any works belonging or leased to or maintainable by the company at any point where the tramways or electrical works by this Act authorised are or will be constructed over under or across any railway or canal belonging or leased to or worked by the company that in order to avoid danger from the breaking or falling of wires the electric telegraphic telephonic or signalling wires or apparatus belonging or leased to or maintainable by the company should be altered the company may execute any works reasonably necessary for or incidental to such alteration at the expense of

the Corporation If any question arises whether it is advisable that the alteration should be made in accordance with this provision or whether any work is reasonably necessary for or incidental to the alteration or as to the amount of the reasonable expense of any work that question shall be referred to arbitration in the manner hereinafter provided:

(4) If the company shall at any time hereafter be desirous of widening the railways belonging or leased to or worked by them where they will be situate over the tramways the Corporation shall afford the company all reasonable and proper facilities for that purpose:

(5) If any difference shall arise between the Corporation and the company or their respective engineers as to the true intent and meaning of the foregoing provisions of this section or the mode of giving effect thereto the same shall be determined by arbitration by an engineer to be appointed (unless agreed on) by the Board of Trade on the application of either party after notice in writing to the other of them.

Provision as to general Tramway Acts.

24. Nothing in this Act contained shall exempt the Corporation or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Part III.

Street Improvements.

Power to make street improvements.

25. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the following street widenings and improvements with all proper approaches embankments bridges arches works and conveniences connected therewith or incident thereto (that is to say):—

Street Improvement No. 1 A widening of Bath Street partly on the northern and partly on the southern side:

Street Improvement No. 2 A widening of Manvers Street on the south-western side.

For protection of vicar and church-

26. For the protection of the vicar and churchwardens of St. Mary's Nottingham the following provisions shall have effect

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wardens of St. Mary's Nottingham.

unless otherwise agreed to in writing between the Corporation and the vicar and churchwardens :—

(1) If the Corporation under the powers of this Act shall give notice to acquire that portion of St. Mary's Burial Ground shown on the deposited plans lying between the present and intended new lines of street as marked on such plans then the vicar of the vicarage and parish church of St. Mary's Nottingham and the churchwardens of St. Mary's shall sell and convey the same to the Corporation at the price of three hundred and seventy-five pounds and enter into all necessary agreements and execute all necessary deeds for that purpose :

(2) The said purchase money shall be paid to such trustee or trustees (who may be either two or more individuals or any company or association or any body politic and corporate) as shall be nominated in writing under the hands and seals of the vicar and churchwardens of the said parish and of the bishop for the time being of the diocese within which the said burial ground is situate and shall be held and applied by such trustee or trustees for the benefit of the said vicarage and parish of St. Mary's Nottingham or the incumbent for the time being thereof for all or any one or more of the purposes to which under section 34 of the Church Building Act 1822 land given for the purposes of that Act and not so applied may with the consent of the grantor thereof be applied as the bishop of the diocese within which the said parish is situate may from time to time by writing under his hand and seal direct :

(3) The Corporation shall not be concerned to see to the application of any moneys paid by them to the trustee or trustees nominated as aforesaid and the receipt of such trustee or trustees shall effectually discharge the Corporation from the moneys therein expressed to have been received :

(4) The Corporation shall if they acquire any portion of the said burial ground execute all such accommodation and other works as may be reasonably necessary to provide access to and protection of the remaining portion of the burial ground and in the event of any dispute

arising between the Corporation and the vicar and churchwardens with reference to any such works such dispute shall be referred at the cost of the Corporation to an arbitrator to be appointed under the provisions of the Arbitration Act 1889.

Limits of deviation.

27. In the construction of the street improvements authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding two feet either upwards or downwards.

Part IV.

Waterworks.

Works to form part of undertaking and Corporation Water Acts to apply.

28. The waterworks by this Act authorised shall for all purposes be deemed part of the water undertaking of the Corporation and the provisions of the Corporation Water Acts so far as the same are applicable and are not varied by this Act shall extend to and form part of this Act.

Power to make waterworks.

29. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the depcsited books of reference and according to the levels shown on the deposited sections the several works hereinafter described and shown on the deposited plans together with all necessary or proper retaining walls embankments ways settling and other tanks basins gauges filters dams sluices outfalls syphons pipes aqueducts culverts cuts trenches channels conduits drains mains junctions valves engines pumps works apparatus and conveniences connected with the said works or either of them or necessary or proper for constructing inspecting maintaining repairing cleansing or managing the same:—

(1) A covered service reservoir (to be called the Ramsdale Hill Reservoir) situate in the parish of Arnold in the county of Nottingham and to be constructed on some portions of the fields or properties numbered 204 211 and 212 on the $\frac{1}{2500}$ scale Ordnance map (second edition 1900) of the said parish of Arnold and now in the occupation of the Corporation and which intended reservoir will be formed by means of excavation and embankments or retaining walls:

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(2) A deviation of part of the Aqueduct No. 4 authorised by the Nottingham Corporation Water Act 1897 situate in the parish and county aforesaid commencing in the Ramsdale Hill Reservoir and terminating by a junction with the said Aqueduct No. 4 at the point of intersection of the centre lines of Calverton Road and Lime Lane.

Repeal of powers to make certain waterworks authorised by Water Act of 1897.

30. The power conferred upon the Corporation by the Nottingham Corporation Water Act 1897 to make and maintain the Cockpit Hill Reservoir therein described and so much of the Aqueduct No. 4 (also therein described) as is rendered unnecessary by the construction of the deviation (2) by this Act authorised is hereby repealed and annulled.

Power to deviate.

31. In constructing the waterworks by this Act authorised or either of them the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where the line of any work is shown on those plans as passing along any road and no limits of lateral deviation are marked thereon the Corporation may in making such work deviate laterally to any extent within the boundaries of such road and the Corporation may deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and to any extent downwards.

Time for completion of works.

32. If the waterworks by this Act authorised are not completed within two years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Amendment of s. 14 of Water Act of 1897.

33. Section 14 (Temporary discharge of water into streams) of the Nottingham Corporation Water Act 1897 shall extend and apply to the reservoir and aqueduct by this Act authorised and for the purpose of enabling the Corporation more effectually to exercise their powers under that section the Corporation may put in force all or any of the provisions of the Corporation Water Acts with respect to the breaking up of streets for the purpose of laying pipes and any street which it may be required to open and break up for the purpose shall be deemed to be within the water limits of supply of the Corporation.

Part V.

Generally as to Lands and Works.

Power to acquire lands.

34. Subject to the provisions and for the purposes of this Act (including the providing of space for the erection of buildings adjoining or near to any street) the Corporation may enter on take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference.

Limiting time for compulsory purchase of lands.

35. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Power to purchase additional lands by agreement.

36. The Corporation in addition to the lands which they are by this Act authorised to acquire may by agreement purchase take on lease acquire and hold for the purposes of their tramway undertaking and of this Act any additional lands not exceeding in the whole fifteen acres Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such additional lands.

Removal of human remains from St. Mary's burial ground.

37.—(1) If and when the Corporation shall acquire any part of the burial ground of St. Mary's they shall before applying or using such part or any portion thereof for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in the said part.

(2) Before proceeding to remove any such remains the Corporation shall publish a notice for three successive days in two local newspapers circulating in the city to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the said burial ground may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop of the diocese of Southwell to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

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(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of Southwell who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of ten pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the bishop the Corporation may without any faculty for that purpose remove the remains of the deceased person and cause them to be re-interred in some other part of the same burial ground or in such other consecrated burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose subject to the consent of the bishop.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the city as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the city.

Incorporation of sections from Act of 1897.

38. The following sections of the Act of 1897 are incorporated with this Act and shall extend and apply in regard to the works and lands authorised to be executed and taken under this Act as if those sections with the necessary modifications were set out in this Act (namely):—

Section 6 Correction of errors &c. in deposited plans and book of reference.

Section 8 Persons under disability may grant easements &c. A.D. 1905.
Section 9 Power to appropriate lands for purposes of Act.
Section 12 Power to retain sell &c. lands.
Section 13 Proceeds of sale of surplus lands.
Section 21 Power to make subsidiary works.
Section 23 Temporary stoppage of streets.

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

39. Whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties numbered 102 and 103 in the deposited plans and books of reference whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(2) If for twenty-one days after service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by them determine whether the portion of the scheduled

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property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in their absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the

owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in or endorsed upon every notice given thereunder to sell and convey any premises.

Part VI.

Financial Provisions.

Power to borrow.

40.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

(*a*) For the construction of the tramways by this Act authorised the sum of fifty-seven thousand pounds:

(*b*) For the purchase of lands for and the construction of the street improvements by this Act authorised the sum of thirty-eight thousand seven hundred pounds:

(*c*) For paying the costs and expenses of this Act as hereinafter provided the sum requisite for that purpose.

(2) And the Corporation may borrow such further moneys for tramway purposes as the Board of Trade may sanction and for any of the other purposes of this Act such further moneys as the Local Government Board may sanction.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may as regards purpose (*a*) hereinbefore mentioned mortgage or charge the revenue of their tramway undertaking and the district fund and general district rate and as regards

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moneys borrowed for waterworks purposes they may mortgage or charge the revenue of their water undertaking and the district fund and general district rate and as regards moneys borrowed for the other purposes hereinbefore mentioned they may mortgage or charge the district fund and general district rate.

Periods for discharge of loans.

41. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):—

As to moneys borrowed for the purpose (*a*) mentioned in the last preceding section within thirty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purposes (*b*) in the last preceding section mentioned within fifty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (*c*) in the last preceding section mentioned within five years from the passing of this Act;

As regards moneys borrowed with the sanction of the Board of Trade or of the Local Government Board within such period as they may respectively think fit to sanction.

Incorporation of further sections from Act of 1897.

42. The following sections of the Act of 1897 are incorporated with this Act and shall extend and apply in regard to moneys borrowed under this Act as if those sections with the necessary modifications were set out in this Act (namely):—

Section 25 Certain regulations of Public Health Act as to borrowing not to apply.

Section 26 Mode of raising money.

Section 27 Provisions of Public Health Act as to mortgages to apply.

Section 29 Mode of payment off of money borrowed.

Section 30 Sinking fund.

Section 31 Protection of lender from inquiry.

Section 32 Corporation not to regard trusts.

Section 33 Appointment of receiver.

Section 34 Power to re-borrow.

Section 35 Annual return to Local Government Board.

Section 36 Application of money borrowed.

Section 37 Inquiries by Local Government Board.

Power to apply moneys borrowed under Water Act of 1897.

43. The Corporation may apply any moneys borrowed or to be borrowed by them under the Nottingham Corporation Water Act 1897 for or in connection with the construction of the waterworks by this Act authorised.

Sinking fund for gas annuities.

44.—(1) The Corporation shall out of the revenue of their gas undertaking or out of the general district rate make provision for the extinction of the gas annuities granted by the Corporation under the Nottingham Corporation (Gas) Act 1874 by means of a sinking fund appropriated and invested in statutory securities and with the accumulations thereof (if any) from time to time applied for that purpose so as to extinguish or be in a position to extinguish the said annuities within sixty years from the passing of this Act and if at the end of that time the said annuities or any of them are not wholly extinguished then the Corporation shall so long as they are liable to pay the same apply in or towards payment thereof the annual income arising from the sinking fund provided under this section.

(2) Whenever any annuities have been extinguished by means of the sinking fund the Corporation shall thenceforward until all such annuities are extinguished pay into the sinking fund every year in addition to the amounts hereinbefore required to be appropriated a sum equal to the annual interest which would have been produced by the part of the fund applied in extinguishing such annuities.

(3) Provided that whenever the annual income of the sinking fund is not less than the amount of the annuities or of so many of them as have not been extinguished the annual sums required by this section to be paid into the sinking fund may cease to be paid.

(4) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto and the probable accumulations thereon will not be sufficient to extinguish or be in a position to extinguish the said annuities within the said period it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(5) If the amount in any sinking fund with the future payments thereto and the probable accumulations thereon will in the opinion of the Local Government Board be more than

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

(6) Section 35 of the Act of 1897 (Annual return to Local Government Board) shall with the necessary modifications extend and apply to and in respect of the sinking fund for gas annuities required to be established under the provisions of this section.

Amendment of s. 51 and s. 61 of Act of 1879.

45.—(1) Section 51 (Power to redeem annuities) of the Nottingham Improvement Act 1879 shall be read and have effect as if the words "at a price not exceeding twenty-five years purchase" were omitted therefrom.

(2) Section 61 (Sinking fund for water annuities) of the Nottingham Improvement Act 1879 shall be read as if subsections (4) and (5) of the section of this Act the marginal note whereof is "Sinking fund for gas annuities" had been added to the said section 61 and those subsections shall apply to the water annuities and sinking fund referred to in the said section 61 in lieu of the gas annuities and sinking fund referred to in the said subsections.

Expenses of execution of Act.

46. Any expenses in the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the general district rate.

Part VII.

Miscellaneous.

Appointment of assistant overseers and rate collectors.

47. The Corporation shall appoint as assistant overseers the assistant overseers and collectors of poor rates appointed or employed by any guardians parish or overseers and holding office on the twenty-fifth day of March one thousand nine hundred and five and who shall consent to be so appointed and such assistant overseers shall hold the said office by the same tenure and as nearly as may be consistently with the work to be required of them upon the same terms and conditions as if this Act had not been passed and shall receive not less salaries remuneration and emoluments and be entitled to not less pensions (if any) than they would have if this Act had not been passed and where any such

assistant overseer or collector of poor rates in such case could only have been removed with the consent of the Local Government Board such consent shall be part of the tenure of their respective offices If any such assistant overseer who is so appointed by the Corporation as aforesaid shall by virtue of this Act or of anything done in pursuance or in consequence thereof suffer any direct pecuniary loss as is mentioned in section 120 (with the exception of subsection 8) of the Local Government Act 18 8 the provisions of that section shall apply to him with such modifications including the substitution of the Local Government Board for the Treasury as may be necessary to make these provisions applicable to such assistant overseer or collector of poor rates and to the Corporation Such compensation may be by way of annuity or by payment of a sum in gross and shall be paid by the Corporation out of their funds Provided that non-acceptance of any office shall not be a bar to the right of any assistant overseer or collector of poor rates to compensation.

As to superannuation provisions.

48. The contributions which under the Poor Law Superannuation Act 1896 have been made by such assistant overseers and collectors of poor rates as were transferred by the county borough of Nottingham (St. Mary &c.) Confirmation Order 1896 or in pursuance or in consequence of this Act to the service of the Corporation shall be transferred by the guardians or overseers who receive or have received them to the borough fund and the said Act shall apply to such assistant overseers and collectors of poor rates and to the Corporation in relation to them as nearly as may be as if the Corporation were guardians or overseers and the borough fund were the common fund of a union.

Further provision as to collection of rates.

49. Any assistant overseer may be required by the Corporation to collect any rate which the Corporation are authorised to make or any water gas electric or other rents and charges leviable by the Corporation and any assistant overseer or collector of poor rates holding office at the passing of this Act and so appointed by the Corporation to be assistant overseers as aforesaid shall if required by him be paid in respect of such additional collection such additional remuneration (if any) as may be agreed between himself and the Corporation or in case of difference may be settled by the Local Government Board.

Assistants to overseers.

50. The Corporation may appoint and remove such officers as they may deem necessary to assist the overseers of the parish of Nottingham in the discharge of their duties and the salaries

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and expenses of such officers shall be determined by the Corporation and paid out of the poor rate the general district rate or other rates or funds in such reasonable proportions as the Corporation may determine.

Local Government Board may prescribe form of rates &c.

51. The Local Government Board may from time to time prescribe a form of rate which may include the poor rate general district rate or other rates or any of them and in respect of any such rates may prescribe the form of demand note and of rate receipts and any forms so prescribed shall be sufficient in law.

Powers of vestry transferred to council.

52. From and after the twenty-fifth day of March one thousand nine hundred and six all rights powers duties liabilities obligations privileges and immunities not exclusively ecclesiastical incident or attaching to the said parishioners ratepayers or inhabitants in vestry assembled shall for and within the parish of Nottingham be incident and attach to the council and be exercisable by them.

As to leading or driving animals.

53. The Corporation may prescribe the streets in which and the manner according to which the leading or driving of animals shall be permitted within the city Provided that the route or routes which it shall be lawful for the Corporation so to prescribe shall not be such as would prevent the passage of cattle between any market and any railway station in the city or any place beyond the boundary of the city when such animals are merely passing between such market and railway station or other place aforesaid and the Corporation shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals:

Provided also that any such directions shall only operate between the hours of eight in the morning and nine in the evening and shall not prevent the owner of any animals leading or driving the same to or from his own premises and nothing in this enactment contained shall authorise the Corporation to interfere with the leading or driving of any animals to any duly licensed slaughter-house.

Corporation may license drovers.

54.—(1) The Corporation may grant to any person carrying on or desiring to carry on within the city the business or calling of a drover a licence on such terms and revocable in such cases and events as the Corporation may prescribe.

(2) The Corporation may demand and take for every such licence any sum not exceeding two shillings for twelve months

and in the like proportion for any shorter period not being less than three months and may attach to such licence the terms and conditions of revocation or suspension of any such licence.

(3) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as a licensed drover he shall be liable to a penalty not exceeding twenty shillings.

Power to refuse supply of gas or electricity to persons in default.

55. If a person requiring a supply of gas or electricity from the Corporation has not paid all gas or electricity or meter rents and charges due from him to the Corporation they may refuse to furnish to him a supply of gas and electricity or either of them until he pays the same.

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

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

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

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

(3) The specification shall be published twice in some newspaper circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Corporation:

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

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation Any officer of the

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Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with:

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

As to lighting private streets.

57.—(1) The Corporation may in any private street within the city provide fix and maintain and supply with gas or other illuminant (including electric light) such lamps and fittings therefor as they shall think necessary for the proper lighting of such private street and may cause the same to be kept lighted during such hours as they think proper and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the supply of gas or other illuminant.

(2) For the purposes of this section the expression "private street" shall include any street not repairable by the inhabitants at large and also any cul-de-sac entry yard or place whether open or enclosed and whether a thoroughfare or not.

(3) The powers of this section shall not be exerciseable in a private street which is not a street within the meaning of the Public Health Act 1875 without the consent of the owner.

(4) This section is in addition to and not in derogation of any other power to light streets now vested in the Corporation.

For regulating manufacture and sale of ice cream &c.

58.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who within the city—

(*a*) Causes or permits ice cream or any similar commodity to be manufactured sold or stored in any cellar room

or place which is in a condition to render such commodity or materials injurious to health or in which there is an inlet or opening to a drain; or

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

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

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

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

Inspection of premises.

59.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 of the Public Health Act 1875 in the cases therein mentioned.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.

Fencing lands adjoining streets in certain cases.

60. If any land (other than land now forming part of any common) adjoining any street is allowed to remain unfenced or the fences thereof are allowed to be or remain out of repair and such land is in the opinion of the Corporation owing to the absence or inadequate repair of any such fence a source of danger to passengers or is used for any immoral or indecent purpose or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the town clerk to the owner or occupier of the same or without any notice

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if the Corporation are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Corporation may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred shall be recoverable from such owner summarily as a civil debt.

As to appeal.

61. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessional court the Corporation may in like manner appeal.

Recovery of penalties.

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

Judges not disqualified.

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

Audit of accounts.

64. The provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under that Act shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Costs of Act.

65. 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 out of the district fund and general district rate or out of moneys to be borrowed under this Act.

The SCHEDULE referred to in the foregoing Act.

THE CORPORATION WATER ACTS.

Year of Reign and Chapter.	Short or other Title.
8 & 9 Vict. c. xix. -	The Nottingham Waterworks Act 1845.
17 Vict. c. x. - -	The Nottingham Waterworks Amendment Act 1854.
37 & 38 Vict. c. cxxxvii.	The Nottingham Waterworks Act 1874.
41 Vict. c. xlv. - -	Nottingham Waterworks Act 1878.
42 Vict. c. xi. - -	Nottingham Waterworks Act 1879.
42 & 43 Vict. c. cciv. -	The Nottingham Improvement Act 1879.
45 & 46 Vict. c. ccxvii. -	Nottingham Corporation Act 1882.
46 & 47 Vict. c. lxxviii.	Nottingham Corporation Act 1883.
55 & 56 Vict. c. ccxxiii.	The Nottingham and West Bridgeford Order 1892 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1892.
59 & 60 Vict. c. clxxi. -	The Nottingham Order 1896 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 22) Act 1896.
60 & 61 Vict. c. cc. -	The Nottingham Corporation Water Act 1897.
62 & 63 Vict. c. ci. -	The Nottingham Corporation Act 1899.
2 Edw. 7. c. ccxxxiii. -	The Nottingham Corporation Act 1902.

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