CHAPTER lx.

An Act to empower the urban district council of Padiham to construct additional waterworks and to make further provision in regard to their water undertaking to make street improvements and to confer various powers in regard to the health and for the improvement and good government of the district and for other purposes. [20th July 1922.] A.D. 1922.

WHEREAS the district of Padiham is an urban sanitary district within the meaning of the Public Health Act 1875 and an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Padiham (in this Act referred to as "the Council"):

And whereas the several Local Acts and Provisional Orders mentioned in the First Schedule to this Act (save so far as any of them is amended by any later Act or Order among the same) are in force within the district:

And whereas the Council are the owners of waterworks whereby they supply water in the district and areas adjacent thereto:

And whereas by the Padiham Local Board Act 1882 (in this Act referred to as "the Act of 1882") the local board for the district of Padiham and Hapton the predecessors of the Council (in this Act called "the local board") were empowered to construct and maintain additional waterworks and by that Act it is provided that the local board shall not take collect impound or use any of the streams and waters within the limits of

A.D. 1922.

the gathering ground containing one hundred and eighty-seven acres or thereabouts particularly described in the Act of 1882 (section 14) until the local board shall deliver into such one or more of the brooks below the said gathering ground the compensation water by the said Act provided :

And whereas by the Padiham Local Board Act 1889 (in this Act referred to as "the Act of 1889") the local board were authorised to make and maintain a reservoir conduits and other works and conveniences to enable the local board to take collect divert impound and use the streams and waters within the limits of the said one hundred and eighty-seven acres or thereabouts and to otherwise improve their water undertaking and such powers have been from time to time extended and are still in force and it is expedient that the Council be authorised to abandon the construction of the reservoir by that Act authorised and to make other provisions as in this Act provided in lieu of discharging compensation water from that reservoir :

And whereas it is expedient that the Council be authorised to make and maintain the street improvements by this Act authorised :

And whereas it is expedient to amend and extend the enactments in force within the district relative to the improvement and government thereof and to the water supply and other matters therein and to make further provisions as in this Act provided in relation thereto :

And whereas it is expedient that better provision should be made with reference to streets buildings sewers and drains within the district and that the powers of the Council in relation to the health local government and improvement of the district should be enlarged as by this Act provided :

And whereas it is expedient that the Council should be authorised to take and use lands for the purposes of and under the provisions contained in this Act :

And whereas it is expedient that section 55 of the Act of 1908 as amended by the Padiham Order 1919 should be further amended as herein provided and the owners of the Gawthorpe Estate and the other owners of lands referred to in subsection (H) of section 55 of the Act of 1908 have respectively consented to the provisions

of the section of this Act the marginal note of which is "Making up of Dryden Street":

And whereas it is expedient that the Council should be empowered to acquire by agreement Fenny Fold Farm and to use the same as a recreation ground and for other purposes:

And whereas the district is coterminous with the parish of Padiham and it is expedient to make provision for the consolidation of the rates levied in the district:

And whereas it is expedient that further borrowing powers for the purposes of this Act and for the other purposes hereinafter referred to should be conferred upon the Council:

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

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

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

	£
(A) For and in connexion with the purchase of lands and easements for the purposes of the waterworks authorised by this Act and the construction of the works numbered 1 in the section of this Act the marginal note whereof is "Power to make waterworks" - - - - -	24,112
(B) For and in connexion with the construction of the works authorised by this Act and numbered 2 3 4 and 5 in the section of this Act the marginal note whereof is "Power to make waterworks" - - -	16,538
(C) For the construction of additional trunk and other mains and other purposes in connexion with the supply of water by the Council -	5,000
(D) For the purchase of lands and the widening and improvement of Church Street and Burnley Road - -	15,200
(E) For the purchase of Fenny Fold Farm	2,650
(F) For laying out the same - - -	500

A.D. 1922.

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

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

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

PART I.

PRELIMINARY.

Short and collective titles.

1.—(1) This Act may be cited as the Padiham Urban District Council Act 1922.

(2) The Acts and Orders mentioned in the First Schedule and this Act may be cited together as the Padiham Acts 1854 to 1922.

Act divided into Parts.

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

Part I.—Preliminary.
Part II.—Waterworks.
Part III.—Water Supply.
Part IV.—Street Works and Improvements.
Part V.—Lands.
Part VI.—Parks and Recreation Grounds.
Part VII.—Streets Buildings and Sewers.
Part VIII.—Sanitary Provisions.
Part IX.—Human Food.

Part X.—Infectious and Contagious Diseases.
Part XI.—Verminous Houses and Persons.
Part XII.—Offensive Trades.
Part XIII.—Consolidation of Rates.
Part XIV.—Finance.
Part XV.—Miscellaneous.

And shall except as otherwise provided come into operation on the passing of this Act.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) :—

(1) The Lands Clauses Acts with the following exception and modification :—

(A) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act :

(B) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The Waterworks Clauses Act 1847 except—

(A) The words " with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner " in section 44 ;

(B) Sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) ; and

(C) Section 83 (with respect to the yearly receipt and expenditure of the undertakers) ;

(3) The Waterworks Clauses Act 1863 ; and

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act " the railway " means the waterworks authorised by this Act and " the centre of the railway " means the boundaries of the reservoir and the centres of the aqueducts and road diversions respectively.

A.D. 1922.

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and the Public Health Act 1875 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 :—

(A) "The district" means the urban district of Padiham :

(B) "The Council" means the urban district council of the district :

(C) "The clerk" "the treasurer" "the waterworks engineer" "the surveyor" "the medical officer" and "the sanitary inspector" mean respectively the clerk the treasurer the waterworks engineer the surveyor the medical officer and the sanitary inspector of the Council and respectively include any person duly authorised to discharge temporarily the duties of those offices :

(D) "The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the district :

(E) "The water undertaking" means the water undertaking of the Council as for the time being authorised :

(F) "The limits of supply" means the limits within which the Council are for the time being authorised to supply water :

(G) "The Lands Clauses Acts" means the Lands Clauses Acts as varied by the Acquisition of Land (Assessment of Compensation) Act 1919 :

(H) "The tribunal" means the arbitrator or other tribunal to whom any question of disputed purchase money or compensation under this Act is referred :

(I) "The First Schedule" and "the Second Schedule" mean respectively the First Schedule and the Second Schedule to this Act :

(J) "The recited Acts" means the Acts and Orders mentioned in the First Schedule and each of those Acts and Orders is referred to as the Act or Order of the year in which it was passed :

(K) "The Churn Clough Reservoir" means the reservoir authorised to be constructed by the Act of 1882 and "the Wood House Reservoir" means the reservoir authorised to be constructed by the Act of 1889:

(L) "The county council" means the county council of the County Palatine of Lancaster:

(M) "Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction:

(N) "Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council:

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

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

A.D. 1922.

PART II.

WATERWORKS.

Power to make waterworks.

5. Subject to the provisions of this Act the Council may wholly in the County Palatine of Lancaster and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):

Work No. 1 An enlargement of the existing Churn Clough Reservoir in the parishes of Sabden and Goldshaw Booth by an extension and raising of the existing embankment and the raising of the waste weir of the said reservoir:

Work No. 2 An aqueduct conduit or line or lines of pipes in the parishes of Sabden and Goldshaw Booth commencing in the stream called Churn Clough flowing into the existing Churn Clough Reservoir and terminating near the north-west corner of the said reservoir:

Work No. 3 An aqueduct catchwater conduit or line or lines of pipes in the parishes of Sabden and Goldshaw Booth commencing in the stream called Wood House Brook and terminating in the existing Churn Clough Reservoir:

Work No. 4 An aqueduct conduit or line or lines of pipes in the parishes of Sabden and Goldshaw Booth commencing in the existing valve house below the embankment of Churn Clough Reservoir and terminating in the Wood House Brook:

Work No. 5 An aqueduct catchwater conduit or line or lines of pipes in the parish of Goldshaw Booth commencing in the dyke on Stephenson Dole at the head of Wood House Brook and Cock Clough and terminating at a point twenty yards or thereabouts from the point of commencement.

In addition to the foregoing works the Council may upon the said lands forming or below the catchment area to the said works make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Council from any action indictment or other proceeding

for nuisance in the event of any nuisance being caused or permitted by them.

Construction of Work No. 4.

6. The Council shall exercise all practicable precautions in the construction of Work No. 4 by this Act authorised so as not to intercept take or appropriate any springs or streams arising or flowing in upon or through the lands through which the said work passes but where it may be necessary to interfere with any spring or stream the Council shall as soon as reasonably may be restore the direction and level of such spring or stream as near as may be practicable to accord with the direction and level thereof prior to such interference and the Council shall at all times keep and maintain the said Work No. 4 watertight and in good repair.

Limits of deviation.

7.—(1) In the construction of the works authorised by this Part of this Act the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

(2) Provided as follows (that is to say):—

(A) The Council shall not construct any embankment or dam of the Work No. 1 of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or dam and five feet in addition;

(B) Except for the purposes of crossing over a stream no part of the aqueducts conduits or pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of works.

8.—(1) If the Work No. 4 authorised by this Part of this Act is not completed within one year from the passing of this Act or such extended period (if any) not exceeding six months as may be sanctioned by the Minister of Health on being satisfied that the causes of such non-completion were beyond the control of the Council

A.D. 1922.

then on the expiration of that period the powers granted by this Act for the making thereof and the power of the Council to take water by means of Work No. 4 (Conduit No. 3) authorised by the Act of 1882 or by means of Work No. 3 by this Part of this Act authorised shall cease.

(2) If the Work No. 1 authorised by this Part of this Act is not commenced within six years and completed within ten years from the passing of this Act then on the expiration of the latter period the powers granted by this Act for the making thereof or otherwise in relation thereto (except as to so much thereof as shall then be completed) and the power of the Council to take water by means of Work No. 4 (Conduit No. 3) authorised by the Act of 1882 or by means of Work No. 3 by this Part of this Act authorised shall cease.

(3) Provided that the Council may alter reconstruct renew or remove any of their works and plant.

Power to take water.

9. In addition to the powers vested in the Council under or by virtue of the recited Acts of diverting collecting impounding taking appropriating and using water they may divert collect impound take appropriate and use all the water which can be intercepted or abstracted by means of works constructed under the provisions of the recited Acts and this Act or any of them.

Limiting powers of Council to abstract water.

10. The Council shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament :

Provided that nothing in this section shall be deemed to prohibit the maintaining deepening enlargement or alteration of any existing adit or other works upon any lands belonging to or held by them in connexion with their water undertaking.

Section 99 (Limiting powers of Council to abstract water) of the Act of 1908 is hereby repealed.

Temporary discharge of water into streams.

11.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any of the waterworks of the Council the Council may cause the water in any such works to be temporarily discharged into any available stream or watercourse :

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter.

(2) In the exercise of the power conferred by this section the Council shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration.

Application of Waterworks Clauses Act 1847 to aqueducts and to telephones.

12. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road (whether within or without the limits within which the Council are empowered to supply water) of the aqueducts authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus required to be erected or laid down by the Council for the purposes of their water undertaking:

Provided that any telephone or telegraph posts wires conductors or apparatus erected or laid down by the Council shall not be used for the purpose of transmitting any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Further powers in relation to water mains.

13. The Council shall have and may exercise the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the limits for the time being of the Council for the supply of water shall be deemed to be the district.

Dwelling-houses for persons in Council's employment.

14. The Council may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Council for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Council for the purposes of the said undertaking.

Works to form part of water undertaking.

15. Subject to the provisions of this Act the waterworks to be constructed under the authority of this Act shall for all purposes be deemed part of the water undertaking of the Council.

Abandonment of Wood House Reservoir.

16. The Council may and shall abandon and relinquish the construction of the Wood House Reservoir and the works authorised by the Act of 1889 incidental or subsidiary to that reservoir.

Repeal of sections of Acts of 1882 and 1889.

17.—(1) The following sections of the Acts of 1882 and 1889 are hereby repealed (namely):—

(A) Section 13 (Compensation water for Churn Clough and other brooks and streams) section 14 (Compensation water for Woodhouse Brook and other streams) section 15 (Compensation on failure to supply the stipulated quantities of water) and section 18 (For the protection of the Woodhouse estate) of the Act of 1882; and

(B) Section 18 (Compensation water to be given by Local Board) section 19 (As to discharge of water into Woodhouse Brook) section 20 (Further provision as to Woodhouse Brook) section 21 (Local Board to maintain gauge) section 22 (Local Board to repair gauge) section 23 (Compensation on failure to supply the stipulated quantity of water) and section 25 (For the protection of Nicholas Grimshaw) of the Act of 1889.

(2) Section 22 (Local Board when so required to sell pipes &c. outside water limits) of the Act of 1882 shall not apply to any pipes fittings or other apparatus for or connected with the distribution of water belonging to the Council which are now or shall at any time hereafter be laid or lie in any area or district within the limits of supply.

Compensation water.

18.—(1) As from the passing of this Act and subject to the provisions thereof the powers of the Council under the Acts of 1882 and 1889 and this Act of collecting impounding taking using diverting and appropriating water shall be subject to the following provisions (namely):—

(A) The Council shall during every day of twenty-four hours discharge or deliver into Churn

Clough Brook at a point therein situate not more than two hundred yards below the foot of the embankment of the Churn Clough Reservoir not less than one hundred and fifty-six thousand eight hundred gallons of water in a regular and continuous flow: A.D. 1922.

(B) For the purpose of measuring the quantity of water to be so discharged or delivered into Churn Clough Brook the Council shall maintain at a point on the said brook below the said reservoir not more than two hundred yards from the foot of the embankment thereof a proper and suitable automatic and self-recording measuring gauge or meter over or through which the said compensation water shall flow and the same shall be open to the inspection and examination of all persons interested therein.

(2) During the period allowed by this Act for the completion of Work No. 4 by this Act authorised the Council may take from the Wood House Brook any water they may require subject to the following restrictions:—

(A) They shall place a gauge weir across the Wood House Brook at or near the sheep-fold adjoining the proposed intake through an aperture in which seventy-five thousand gallons of water shall be allowed to pass and flow down the Wood House Brook every day of twenty-four hours:

(B) On any such day during such time as the flow of water in the Wood House Brook shall be less than at the rate of seventy-five thousand gallons per day of twenty-four hours the Council shall not be entitled to draw any water therefrom but during such time as the flow is in excess of such rate the Council may take all or such part of the excess as they may require.

(3) After the expiration of the period allowed by this Act for the completion of Work No. 4 by this Act authorised and until the expiration of ten years from the passing of this Act the Council shall during every day of twenty-four hours discharge or deliver into the Wood House Brook at a point therein not more than six hundred yards below the said intake not less than one

A.D. 1922.

hundred and fifteen thousand eight hundred gallons of water in a regular and continuous flow.

(4) After the expiration of ten years from the passing of this Act the Council shall during every day of twenty-four hours discharge or deliver into the Wood House Brook at such point as aforesaid not less than one hundred and ninety-eight thousand eight hundred gallons of water in a regular and continuous flow.

(5) For the purpose of measuring the quantity of water to be so discharged or delivered into the Wood House Brook the Council shall erect and maintain at a point in or immediately connected with the aqueduct or conduit Work No. 4 authorised by the section of this Act the marginal note whereof is "Power to make waterworks" not more than two hundred yards from the foot of the embankment of the Churn Clough Reservoir a proper and suitable automatic and self-recording measuring gauge or meter over or through which the said compensation water shall flow and the same shall be open to the inspection and examination of all persons interested therein.

(6) The Council shall at all times keep daily records of the water passing through the gauges or meters and of the days on which water is taken from the Wood House Brook and not later than the seventh day of each month the records for the preceding month shall be deposited at the waterworks offices at Padiham and all persons interested therein shall have the right from time to time to inspect and if they think fit to take copies of or extracts from such records wherever the same may be and the same shall at all convenient times for a period of six months from the deposit thereof be open to such inspection.

(7) In case the Council shall take any water from Wood House Brook contrary to the provisions of this section on any day other than a day on which they are authorised so to do or in case of any neglect on the part of the Council to maintain any gauge or meter in a state of efficiency or in case the Council shall wilfully or negligently fail to discharge the respective quantities of water required as aforesaid to be discharged into Churn Clough Brook and Wood House Brook as in this Act mentioned or referred to or in case of any failure or neglect on the part of the Council to keep the records

mentioned in the last preceding subsection of this section they shall for and during every day on which they take any such water from the Wood House Brook contrary to the provisions aforesaid or on which such neglect or failure shall occur pay by way of liquidated damages to the several owners of the estates for the time being interested in the said waters and also to the several occupiers for the time being of mills or works affected thereby (such estates mills or works being situated on or adjoining to or deriving water from the Churn Clough Brook the Sabden Brook or the Wood House Brook or their tributaries) the sum of five pounds and every such sum may be recovered in any court of competent jurisdiction.

(8) If any difference arises between the Council and any person so interested with respect to the construction or use of any gauge or meter or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the President of the Institution of Civil Engineers.

(9) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all waters which the Council can divert collect impound or appropriate by means of the works by the recited Acts and this Act respectively authorised.

For protection of Lancashire County Council and River Ribble Joint Committee.

19. For the protection of the county council and the River Ribble Joint Committee (in this section called "the joint committee") the following provisions shall (unless otherwise agreed in writing between the county council and joint committee on the one hand and the Council on the other hand) have effect (that is to say):—

(1) The records and gauges referred to in the section of this Act of which the marginal note is "Compensation water" shall be open to the inspection and examination of the joint committee for the purpose of ascertaining whether the Council are complying with the requirements of that section and it shall be the right (as between the county council on the one hand and the joint committee on the other hand) and the duty of the joint committee from time to time to inspect the said records and gauges.

A.D. 1922.

(2) In the case of any failure or neglect on the part of the Council to keep the said records or to maintain the said gauges or either of them in a state of efficiency or in case the Council shall omit or fail to discharge any of the several quantities of compensation water which they are required to discharge by the section of this Act the marginal note of which is "Compensation water" or in case the Council shall omit or fail to comply with or observe the restrictions and obligations therein relating to the discharge of compensation water the Council shall be liable on summary conviction on information laid by the joint committee within three calendar months from such failure or neglect to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

For protection of F. Steiner and Company Limited.

20. For the protection of F. Steiner and Company Limited or other the respective owners for the time being of the two bleaching dyeing and printing works at Sabden known as the Sabden Print Works and the Sabden Printing Company (all or either of whom and their respective lessees are in this section referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the owners and the Council apply and have effect:—

(1) The records and gauges referred to in the section of this Act of which the marginal note is "Compensation water" shall be open to the inspection and examination of the owners or any person or persons appointed in writing by them or either of them for the purpose of ascertaining that the Council are complying with the requirements of that section.

(2) In the case of any failure or neglect on the part of the Council to keep the said records or to maintain the said gauges or either of them in a state of efficiency or in case the Council shall omit or fail to discharge any of the several quantities of compensation water which they are required to discharge by the section of this Act the marginal note of which is "Compensation water" or in case the Council shall omit or fail to comply with or observe the restrictions and obligations therein relating to the discharge of compensation water the Council (notwithstanding the provisions with respect to penalties or liquidated damages contained in that section) shall

for every day on which such failure or neglect occurs forfeit and pay to the owners on summary conviction on information laid within three months from such failure or neglect the sum of forty shillings and shall in addition make compensation for any loss damage or injury sustained by the owners.

Confirmation of purchase of land.

21. The purchase acquisition taking holding and user by the Council of the lands or of any estates or easements in over or affecting the lands delineated on the deposited plans and described in the deposited book of reference now held or used by the Council for the purpose of or in connexion with the existing works or any of them is hereby confirmed and the Council may hold and use the said lands and estates and easements for the purposes of the existing works or the new works and for the general purposes of their water undertaking but the Council shall not create or permit a nuisance on any of such lands.

Power to agree as to drainage of lands &c.

22. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs and works by this Act authorised with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Council flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Power to hold lands for protection of waterworks.

23. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

A.D. 1922.

For protection of London and North Western Railway Company.

24. In the exercise by the Council of the powers contained in the sections of this Act the marginal notes of which are "Application of Waterworks Clauses Act 1847 to aqueducts and to telephones" "Further powers in relation to water mains" and "Detection of waste" the provisions of section 103 (For protection of Lancashire and Yorkshire Railway Company) of the Act of 1908 shall apply and have effect as if such section were re-enacted in this Act for the protection of the London and North Western Railway Company.

PART III.

WATER SUPPLY.

Rates for supply for domestic purposes.

25.—(1) The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act or any Act incorporated herewith to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding twelve pounds ten shillings per centum per annum upon the gross estimated rental of the premises so supplied with water as ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable as aforesaid on a part only of any premises entered in the valuation list such water rate shall be chargeable on a fairly apportioned part of the gross estimated rental of the whole premises ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(2) Provided also that the Council shall not be required to afford a supply of water for domestic purposes to the owner or occupier of any dwelling-house or part of a dwelling-house for a less sum than five shillings per quarter of a year.

(3) Section 35 (Charges for water supplied in outside area) of the Act of 1908 shall be read and have effect as though the words "one sixth" had been inserted therein instead of the words "one third" and as so varied shall apply to the charges authorised by this Act as if the same section had been herein re-enacted.

Rates for water-closets and baths.

26. In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and in respect of every fixed bath capable of containing as usually filled for use not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing as usually filled for use more than fifty gallons such sum as the Council may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Revision of water rates.

27. The Council may with the sanction of the Ministry of Health and after local inquiry if required by such Ministry at any time increase the water rates leviable by them by such amount as may be considered by the Council to be necessary in order to meet the estimated expenditure of the water undertaking of the Council.

Supply to houses partly used for trade.

28. The Council shall not be bound to supply with water otherwise than by agreement or by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or any workhouse hospital asylum or sanatorium Provided that the Council may require that the sum to be paid for any such supply by measure shall not be less than the sum which would have been chargeable in respect of such supply had the supply been given under the provisions of this Act which relate to the supply for domestic purposes otherwise than by measure and the charges therefor.

Supply of water by hose-pipe to stables &c.

29. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Council may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

A.D. 1922.

Price of supply by measure.

30. The price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons Provided that the Council shall be entitled to charge for each such supply such minimum sum not exceeding fifteen shillings as they may prescribe in respect of the water supplied in any quarter of the year.

Payment of water rates.

31. Notwithstanding anything contained in section 70 (Rates to be paid quarterly) of the Waterworks Clauses Act 1847 the Council may by resolution declare that their water rents rates and charges shall be payable at such date or dates as the Council may from time to time appoint Provided that no person shall be compellable to pay water rents rates or charges so demanded for any longer period in advance than three months.

Rates payable by owners of small houses.

32. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if and so long as the Council so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Byelaws for preventing waste &c. of water.

33.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves taps soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and

do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable.

Detection of waste.

34. Subject to the provisions of this Act and the Acts incorporated herewith the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water (without thereby in any way affecting the ownership of any such mains or pipes) and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Council shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

Notice to Council of connecting or disconnecting meters.

35. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of an officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to Council to supply materials.

36.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not

A.D. 1922.

manufacture any such pipes valves taps cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof :

Provided as follows :—

(A) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed) :

(B) Every sum charged by the Council in respect of provision of such fittings or the fixing repairing or removal thereof shall be clearly stated in every demand note delivered by the Council to the consumer :

(C) The total sums expended and received by the Council in connexion with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking of the Council for such year.

Power to remove meters and fittings.

37. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the clerk or some other officer of the Council to the

occupier or if there is no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Power to Council to repair communication pipes.

38.—(1) If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Council in executing such repairs if found to be necessary shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

(2) Provided that except in case of emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner or occupier (if the communication pipe is repairable by him) of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Maintenance of common pipe.

39. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportion of contributions shall be settled by the waterworks engineer or other officer duly authorised in that behalf by the Council.

A.D. 1922.

Supply of water in bulk.

40. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprised in that area nor if and so long as such supply would interfere with a supply of water for domestic purposes within the water limits.

Register of meter to be primâ facie evidence.

41. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Council Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Repeal of certain provisions of Acts of 1882 and 1908.

42. Section 23 (Regulations for preventing waste of water) of the Act of 1882 section 32 (Supply to houses partly used for trade &c.) and section 33 (Price of supply by measure) of the Act of 1908 are hereby repealed.

Commencement of sections 25 and 26 of this Act and repeal of certain provisions of Acts of 1854 1882 and 1908.

43.—(1) The sections of this Act the marginal notes whereof are "Rates for supply for domestic purposes" and "Rates for waterclosets and baths" respectively shall come into operation as from the thirty-first day of March one thousand nine hundred and twenty-three.

(2) As from the coming into operation of the sections of this Act the marginal notes whereof are "Rates for supply for domestic purposes" and "Rates for waterclosets and baths" respectively section 25 (Rate at which water is to be supplied for domestic purposes where no watercloset or private bath) the

unrepealed provisions of section 26 (If there be a water-closet or private bath) of the Act of 1854 subsections (4) and (5) of section 20 (Application of Company's Act to Local Board) of the Act of 1874 section 27 (Alteration of section 25 of Act of 1854 as to rates for water supply) of the Act of 1882 section 30 (Water rate to be charged on gross estimated rental) and subsection (1) of section 34 (Amendment and repeal of certain provisions of Acts of 1854 and 1882) of the Act of 1908 shall be repealed except for the purpose of recovering rates then in arrear.

PART IV.

STREET WORKS AND IMPROVEMENTS.

Power to execute street works &c.

44. Subject to the provisions of this Act the Council in the lines and situations and according to the levels shown on the deposited plans and sections and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference may if they think fit wholly in the district make and maintain the following street works and improvements (that is to say):—

Work No. 1 A widening of Church Street on the southern side thereof between Inkerman Street on the west and a point thirty-four yards or thereabouts west of the junction of Church Street with Calder Street:

Work No. 2 A widening of Burnley Road on the southern side thereof between the eastern side of Bridge End Mill yard entrance and the junction of that road with Sagar Street:

Work No. 3 A widening of Burnley Road on the southern side thereof between a point fifteen yards or thereabouts east of the junction of that road with Sagar Street and the junction of that road with Riley Street:

Work No. 4 A widening of Burnley Road on the southern side thereof between points respectively eleven yards or thereabouts and twenty-eight yards or thereabouts of the junction of that road with Hapton Street:

A.D. 1922.

Work No. 5 A widening of Burnley Road on the southern side thereof between the junction of that road with Hambledon Street and a point twenty-eight yards or thereabouts east of the junction of that road with Hambledon Street:

Work No. 6 A widening of Burnley Road on the northern side thereof between Spa Street and a point eighteen yards or thereabouts east of the junction of that road and Spa Street:

Work No. 7 A widening of Burnley Road on the northern side thereof between points respectively one hundred and twelve yards or thereabouts and one hundred and thirty yards or thereabouts west of the junction of that road and Spa Street.

Limits of deviation.

45. In the construction of the works authorised by this Part of this Act the Council may deviate from the line thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Subsidiary works.

46.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Council may in connexion with the street works and improvements authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to such works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipes or electricity or telephone wire or apparatus within the said limits the Council providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that the Council shall not alter divert or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or

used by the Postmaster-General except in accordance with and subject to the provisions of the said Act. A.D. 1922.

Power to alter pipes areas &c.

47. Within the limits of deviation shown on the deposited plans the Council may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains and the pipes or wires for the purpose of conveying water electricity or gas to any house or other place and may remove all other obstructions so that the same may be done with as little delay and inconvenience to the inhabitants of such house or building as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in the exercise of the powers of that Act.

Temporary stoppage of streets.

48. The Council during the execution of the powers of this Part of this Act may break up and also temporarily stop up and interfere with any street for the purpose of executing such powers and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bonâ fide going to or from any house in the street from passing along and using the same Provided that the Council shall provide reasonable access for foot passengers bonâ fide going to or from any such house.

Application of road materials excavated in construction of works.

49. Any paving metalling or material excavated by the Council in the construction of any works authorised by this Part of this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Council and may be dealt with removed and disposed of by them in such manner as they may think fit.

Land laid into streets to form part thereof.

50. All lands acquired by the Council under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Period for completion of street works and

51. If the street works and improvements by this Act authorised be not completed within seven years from the passing of this Act or such longer period (if

A.D. 1922.

improvements.

any) as the Minister of Transport may on the application of the Council allow then on the expiration of the period limited by or under the provisions of this section the powers of this Act granted to the Council for making the same or otherwise in relation thereto shall cease except as to so much of the said works as are then completed.

Making up of Dryden Street.

52. Notwithstanding anything contained in section 55 of the Act of 1908 and in the Order of 1919 the following provisions shall have effect :—

(1) The expenses incurred by the Council in executing the works referred to in subsection (c) of section 55 of the Act of 1908 having been apportioned amongst the owners of the respective premises abutting on the part of Dryden Street between Cardwell Street and Victoria Road and on the parts of Abingdon Street and Thompson Street referred to in subsection (h) of the said section 55 and the respective owners having as from the eighteenth day of May one thousand nine hundred and eighteen paid interest on the amounts so apportioned at the rate provided by the Order of 1919 the respective owners shall continue to pay to the Council interest on the amounts so apportioned at the rate of five pounds per centum per annum by equal half-yearly payments on each eighteenth day of May and eighteenth day of November until the expiration of the period of fifteen years provided by section 55 of the Act of 1908 as amended by the Order of 1919 and shall with the last payment of interest pay to the Council the expenses incurred by the Council in executing the works in subsection (c) of section 55 of the Act of 1908 referred to in the proportions in which such expenses have been apportioned as aforesaid.

(2) The Council may on or after the expiration of the period of fifteen years in subsection (1) of this section referred to recover in a summary manner from any owners in default in paying their respective proportions of such expenses with interest thereon at the rate aforesaid until payment or they may by order declare the expenses so incurred to be private improvement expenses and the Council shall as against all parties interested have the like powers of recovery as an urban authority have in respect of works done under and in pursuance of section 150 of the Public Health Act 1875.

A.D. 1922.

(3) Notwithstanding anything contained in subsection (F) of section 55 of the Act of 1908 the Council shall not be under any obligation to exercise or put in force the powers conferred upon them by that subsection so far as they apply to the northern part of Dryden Street and the parts of Abingdon Street and Thompson Street referred to in subsection (H) of section 55 of the Act of 1908 at any time before the expiration of the period of fifteen years in subsection (1) of this section referred to and as from the expiration of the said period of fifteen years such powers shall so far as they relate to such of the streets or parts of streets referred to in this subsection which shall not then have been completed by the Council cease to have effect and such of the streets or parts of streets which shall not then have been completed shall thereupon be and be deemed to be private streets within the meaning of and be subject to all the provisions of the Public Health Act 1875 or other general statutory powers then vested in the Council with respect to private streets but so that the owners of the premises fronting adjoining or abutting thereon shall not at any time thereafter be called upon to do or pay for the repair improvement or renewal of the work already done the cost whereof is included in the apportionment in subsection (1) of this section referred to.

(4) For the purposes of this section the word "owner" shall have the same meaning as in the Public Health Act 1875.

Part V.

Lands.

Acquisition of lands.

53. Subject to the provisions of this Act the Council may for the purposes of this Act and of their water undertaking or (in the case of the widening or improving of any street) for the providing of space for the erection of buildings adjoining or near to any such street enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference.

Limiting quantity of commonable land to be taken.

54. The quantity of lands which may be taken by the Council from the common or commonable lands hereinafter in this section mentioned under the powers conferred upon the Council by this Act shall not exceed

A.D. 1922.

the quantities hereinafter in this section mentioned in connexion with such lands respectively :—

Works and purposes for which lands will be taken.	Name by which lands are known.	Township in which lands are situate.	Area to be taken.
			Acres.
Catchment area -	Spence Moor -	Goldshaw Booth	57·207
Catchment area -	Pendleton Moor	Sabden - -	54·739

Correction of errors in deposited plans and book of reference.

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

Acquisition of easements.

56.—(1) The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Council have acquired easements only under the provisions of this section the Council shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall either contain or be endorsed with notice of this provision.

Compensation in case of recently acquired interest.

57. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November one thousand nine hundred and twenty-one if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Purchase of additional lands by agreement.

58.—(1) Subject to the provisions of this Act the Council in addition to any other land acquired by them in pursuance of this Act or any of the recited Acts may by agreement purchase take on lease acquire and hold further lands for the purposes of their water undertaking but the quantity of lands held by the Council in pursuance of this section (exclusive of lands held for the purpose of protecting their waters and waterworks against pollution fouling contamination or injury) shall not at any time exceed fifty acres and the Council may on all or any of such additional lands execute for the purposes of or in connexion with their waterworks any of the works (other than wells and works for taking or inter-

A.D. 1922.

cepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

(2) Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking.

Council may use their own lands for purposes of Act.

59.—(1) The Council may with the consent of the Minister of Health appropriate and use for any of the purposes of this Act any lands for the time being vested in them and not required for the purposes for which the same were acquired subject nevertheless to any special covenant or condition affecting the use of the lands attached thereto at the time of the purchase by the Council or to any special provision affecting the use of the lands contained in any local Act but nothing in this section shall authorise the Council to create or permit any nuisance.

(2) If the Council appropriate for the purposes of this Act any lands so vested in them they shall debit the account for which the said lands are appropriated with a reasonable sum by way of purchase money or rent for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired.

Owners may be required to sell parts only of certain premises.

60.—(1) Whereas in the construction of the works authorised by this Act or otherwise in the exercise by the Council 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 Council 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 :—

(A) The owner of and persons interested in any of the properties whereof the whole or part is described in the Third Schedule to this Act and whereof a portion only is required for the purposes of the Council or each or any

of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(B) If for twenty-one days after the 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 Council 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 Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(C) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties 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 Council have compulsory powers of purchase) can be so severed:

(D) If the tribunal determine that the portion of the scheduled properties 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 Council the portion which the tribunal shall have determined to be so severable without the Council being obliged or compellable to purchase the whole the Council 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:

(E) If the tribunal determine that the portion of the scheduled properties specified in the notice

A.D. 1922.

to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:

(F) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Council 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:

(G) If the tribunal determine that the portion of the scheduled properties 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 Council 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 its final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 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.

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

Limit of time for compulsory purchase of lands.

61. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Extinction of private rights of way.

62.—(1) All private rights of way over any lands which the Council are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Council be extinguished.

(2) Provided that the Council shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of the lands otherwise than by agreement.

Reservation of water rights &c.

63. The Council on selling any lands held by them may reserve to themselves all or any water or other rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Proceeds of sale of surplus lands.

64.—(1) So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that :—

(A) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted

A.D. 1922.

of the borrowing powers conferred by or under this Act for the purpose of such purchase :

(B) The borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Any capital moneys received by the Council under the section of this Act of which the marginal note is " Retention and disposal of lands " on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

Retention and disposal of lands.

65. Notwithstanding anything in any other Act or Acts to the contrary the Council may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or to be acquired by them under this Act or any grant or award or any general or local Act for the time being in force in the district (other than the Housing Acts 1890 to 1919) or any Provisional or other Order and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any moneys for equality of exchange :

Provided that nothing in this section shall be taken to dispense with the necessity for obtaining the approval of any Government department to any sale lease appropriation or other disposition of any lands acquired under any Act for which such approval would be required but for the provisions of this section :

Provided also that nothing in this section contained shall release the Council or any person purchasing or

acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

PART VI.

PARKS AND RECREATION GROUNDS.

Purchase of Fenny Fold Farm and appropriation of parts thereof.

66.—(1) The agreement as set forth in the Second Schedule to this Act for the purchase of the farm lands and buildings called or known as Fenny Fold Farm situate partly within the district and partly within the parish of Hapton in the County Palatine of Lancaster comprising thirty-eight acres three roods and twenty perches or thereabouts with the rights privileges advantages and appurtenances held therewith is hereby confirmed and the Council may appropriate and use any part or parts of such lands for the purpose of being used as a public park public walks pleasure grounds or recreation grounds.

(2) The Council may with the sanction of the Minister of Health from time to time appropriate any part or parts of such lands for any other purpose approved by the Minister.

(3) From and after the date of the purchase by the Council of Fenny Fold Farm the Council may exercise in relation to such part thereof as may be set apart as a public park public walks pleasure grounds or recreation grounds all or any of the powers conferred upon an urban authority by the Public Health Acts with respect to any lands acquired by them for the purpose of public walks and pleasure grounds in pursuance of section 164 of the Public Health Act 1875.

A.D. 1922.

Power to let recreation ground to cricket clubs &c.

67. The Council may from time to time let for terms not exceeding twelve months to any club company body or persons any portion not exceeding one half of the land to be acquired by the Council in pursuance of the last preceding section of this Act and any portion not exceeding one half which the Minister of Health may sanction of any park or place of public resort or recreation set apart by them under the provisions of section 76 (Powers as to parks and pleasure gardens) of the Public Health Acts Amendment Act 1907 and may upon such portions so set apart erect construct maintain and let all proper and convenient houses pavilions dressing-rooms and other buildings works and conveniences:

Provided that the powers given by this section shall not be exercised in such a way as to contravene any covenant or condition subject to which any park or place of public resort or recreation or any portion thereof so set apart as aforesaid is held by the Council.

Charge for use of parts of recreation grounds set apart for certain purposes.

68. When any portion of a public park or pleasure or recreation ground is set apart by the Council for any purpose under paragraph (B) subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and specially laid out and maintained for any such purpose the Council may charge reasonable sums for the use thereof for that purpose.

Power to charge for admission.

69. The Council may make such reasonable charges as they may think fit for admission to and for the use of any buildings or enclosures in any of their parks recreation grounds or pleasure grounds and they may also make such charge for the use of chairs and for admission to the pavilions conservatories assembly rooms reading rooms and conveniences in connexion therewith as they may deem fit.

PART VII.

STREETS BUILDINGS AND SEWERS.

No building allowed until street defined.

70.—(1) No person except with the consent of the Council shall in any new street commence to erect any new building or to excavate for the foundation thereof until plans and sections showing the intended line and level of the street for the whole length thereof

between two intersecting streets each of which shall be intended for use as a carriage road shall have been submitted to and approved by the Council.

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

Street orderly bins.

71. The Council may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the district of such dimensions and in such positions as they may from time to time determine:

Provided that no such orderly bin or other receptacle shall be placed in or upon or under any street in such a position as to cause interference with or render less convenient the access to or exit from any station depôt or property of any railway company or on any bridge carrying any street or road over the railways of any such company except with the consent in writing of such company.

Prohibition of entry of petrol into sewers.

72. Every person who wilfully turns or permits to enter into any sewer of the Council or any drain communicating therewith or any stream or watercourse any petroleum or other substances to which the Petroleum Acts apply shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

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

A.D. 1922.

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

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

Owners to repair and clean culverts.

74.—(1) The owner of any culvert made before or after the passing of this Act over any watercourse shall from time to time repair maintain and cleanse the same and if any such owner fails to comply with the requirements of a notice given to him by the Council to repair maintain or cleanse his culvert within a time specified in the notice the Council may execute any necessary works of repair or maintenance of or may cleanse such culvert and the expense thereby incurred as certified by the surveyor shall be repaid to them by the owner.

(2) This section shall not apply to any culvert constructed and maintained or to be constructed and maintained under any statutory provision.

PART VIII.

SANITARY PROVISIONS.

Regulation dustbins.

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

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

(3) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under subsection (1) of this section or who fails to comply with his obligations under subsection (2) of this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(4) Provided that this section shall not apply to any ashpits or ashtubs or other receptacles for refuse

in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

Restrictions on use of ashbins.

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

(2) Any person contravening the provisions of this section shall be liable to a penalty of ten shillings and to a daily penalty of ten shillings.

Wilful damage to drains water-closets &c.

77. If any person causes any drain watercloset earthcloset privy or ashpit or dustbin to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Conversion of existing accommodation into water-closets.

78.—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Council may require any existing closet accommodation (other than a watercloset) provided at or in connexion with any building to be altered so as to be converted into a fresh-water closet which shall comply with the bye-laws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building.

(2) If the owner of any such building fail in any respect to comply with a notice from the Council under this section the Council may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Council in so doing:

A.D. 1922.

Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the medical officer to be insufficient for the necessities of the inhabitants of the building or to be in such a state as to create a nuisance or to be dangerous or injurious to health then the Council shall bear and pay such part of the expenses incurred by them (not being less than one half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Council may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expense.

(4) The notice under this section shall state the effect of the provisions of this section.

Byelaws as to water-closets.

79. The Council may make byelaws with respect to waterclosets and may by such byelaws prescribe the description or nature size materials position and level thereof and of the apparatus and the manner of flushing the same and the means to be provided for protecting the same from frost and for the prevention of the improper use of such closets and of the blocking of the pipes therefrom.

Definition of water-closet.

80. For the purposes of this Part of this Act (except as otherwise expressly provided) a watercloset includes a water or slop closet flushed by means of slops or waste liquids of the household or rain water as well as a watercloset flushed by means of a fresh water supply.

PART IX.

HUMAN FOOD.

Byelaws for places used for preparation of food.

81. The Council may from time to time make byelaws for securing cleanly and sanitary conditions in places used for the preparation or manufacture of cooked or prepared food for the purpose of sale and intended for the food of man:

Provided that before confirming any byelaws made as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts apply the Ministry of Health shall consult with the Secretary of State.

Byelaws requiring covering over of meat during conveyance through streets.

82. The Council may from time to time make byelaws requiring the covering over of meat or other articles intended for the food of man while being conveyed through or along any street road or place and for securing the cleanliness of any cart vehicle or receptacle in which such articles are so conveyed.

Prohibition of blowing or inflating carcases.

83. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the district and any person so blowing or inflating any carcase or part of a carcase or exposing or depositing for sale within the district a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding five pounds.

Food storage accommodation to be provided.

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

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

(B) Any person aggrieved by any requirement of the Council under this subsection may appeal to a court of summary jurisdiction within fourteen days after the service of such notice

A.D. 1922.

provided he gives seven days' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs:

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

For regulating manufacture and sale of ice-cream.

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

(A) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity 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 precautions 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 or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer;

shall be liable for every such offence upon summary conviction therefor to a penalty not exceeding five pounds.

(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 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 Council shall compensate the owner of the ice-cream commodity or materials so destroyed.

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly

painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable upon conviction to a penalty not exceeding forty shillings.

(4) The medical officer and the inspector of nuisances and any other officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of 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 Council would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of 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.

Byelaws as to inspection of meat.

86.—(1) The Council may make and enforce byelaws for preventing meat other than foreign meat or meat which has been inspected and passed as fit for the food of man by a medical officer of health or a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of the district in which the animal has been slaughtered brought into the district from being used for the food of man or being offered for sale or sold or deposited for sale or for the preparation for sale and intended for the food of man until after inspection by an officer of the Council.

(2) Provided that any byelaw made by the Council under this section shall provide (A) that any person bringing any meat other than foreign meat or meat which has been inspected and passed as fit for the food of man by a medical officer of health or a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of the district in which the animal has been slaughtered into the district shall give to the medical officer or sanitary inspector reasonable notice thereof in writing and of the day and hour and place in the district at which the meat can be inspected as aforesaid and (B) that if within such reasonable period after the notified hour as may with due regard to the requirements of the trade be prescribed by the byelaw an officer

A.D. 1922.

of the Council shall not have attended at the place so notified for the purpose of inspection the restriction in subsection (1) of this section referred to shall not apply to the meat in respect of which the notice was given.

PART X.

INFECTIOUS AND CONTAGIOUS DISEASES.

Prohibition of infected person carrying on business.

87. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in any occupation with food intended for the use of man or knowingly carries on any trade or business connected with food intended for the use of man in such a manner as to be likely to spread the infectious disease he shall be liable on conviction to a penalty not exceeding forty shillings.

Persons to furnish names of laundrymen to whom clothes &c. from infected houses are sent.

88. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on withholding information from medical officer.

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

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable

on summary conviction to a penalty not exceeding forty shillings. A.D. 1922.

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

Power medically to examine inmates of common lodging-houses where infectious disease is supposed to exist.

90. Whenever the medical officer shall report in writing to the Council or to a committee of the Council that there is a prevalence of dangerous infectious disease in the district or any adjoining or neighbouring borough or district and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the district by persons resorting to common lodging-houses the Council or such committee as aforesaid may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the district for such period as the Council or such committee as aforesaid having regard to the circumstances of the case shall in the resolution determine (that is to say):—

(1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Council or such committee as aforesaid may exist or has recently existed in any common lodging-house in the district medically examine any person found in any common lodging-house in the district with a view to ascertaining whether such person is suffering or has recently suffered from such disease Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence:

(2) A copy of every such resolution shall forthwith be sent by the Council or such committee as aforesaid to every keeper of a common lodging-house in the district and to the Minister of Health:

(3) Unless approved by the Minister of Health any such resolution shall cease to be in force at the

A.D. 1922.

expiration of fourteen days after it is passed or any earlier date fixed by the said Minister:

(4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

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

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

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

Compensation to persons ceasing employment.

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

Part XI.

Verminous Houses and Persons.

Houses infested with vermin to be cleansed.

93.—(1) If the medical officer or sanitary inspector has reasonable cause to believe that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

A.D. 1922.

(2) Where on the certificate of the medical officer or the sanitary inspector it appears to the Council that any house is infested with vermin the Council shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper or other covering from the walls and ceilings of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Council may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Council in so doing shall be recoverable summarily as a civil debt from the person making the default.

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

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

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation.

A.D. 1922.

PART XII.

OFFENSIVE TRADES.

Defining establishment of a new business for purposes of section 112 of Public Health Act 1875.

94.—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act a trade business or manufacture shall be deemed to be established not only if it is established for the first time but also if without the consent of the Council—

(A) It is removed from one set of premises to any other premises; or

(B) It is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or

(C) Any premises on which it is for the time being carried on are enlarged;

but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Council to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may be given so as to continue in force for such period only as the Council may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Discontinuance of offensive trade.

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

health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Council under the hand of the clerk to cease to use such premises for the carrying on of such offensive trade:

Provided that the formation or expression by the Council of an opinion under this subsection shall be deemed to be a determination of the Council within the meaning of the section of the Act of 1908 of which the marginal note is "As to appeal" and that the provisions of that section shall accordingly apply with respect to such opinion as well as to any requirement by the Council under this subsection.

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

(3) If the Council under the provisions of this section require any person to cease to use such premises for the carrying on of an offensive trade they shall pay compensation to such person for any loss sustained by him in consequence of the action of the Council Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Council shall have been given for a period only unless the Council shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

PART XIII.

CONSOLIDATION OF RATES.

Commencement of this Part of this Act.

96. This Part of this Act shall come into operation as from the thirty-first day of March one thousand nine hundred and twenty-three.

Interpretation of this Part of Act.

97. In this Part of this Act unless the subject or context otherwise requires:—

"The parish" means the parish of Padiham;

"The overseers" means the overseers of the parish;

"The poor rate" means the poor rate of the parish;

A.D. 1922

"The consolidated rate" means the poor rate as by this Part of this Act authorised to be levied and collected.

Expenses of Council to be paid out of consolidated rate.

98.—(1) Instead of making assessing and levying a general district rate for the purpose of defraying the expenses chargeable on the district fund which that fund is insufficient to meet the Council shall by precept under the seal of the Council require the overseers to pay to the district fund out of the consolidated rate the sum which the Council would have raised by a general district rate if this Part of this Act had not been enacted.

(2) The overseers shall raise the sum named in such precept by means of the consolidated rate and shall pay the same into the district fund.

(3) The expenses incurred by the overseers under this section shall be paid out of the district fund.

Poor rate to be called the consolidated rate.

99. The poor rate (inclusive of the contributions to the district fund levied in pursuance of the provisions of this Act) shall be called the consolidated rate but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

Differential rate in certain cases.

100. The provisions contained in this section shall have effect with respect to the consolidated rate to be hereafter made and levied by the overseers (that is to say) :—

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but shall be liable to pay only fifty-nine per centum of the rate in the pound payable in respect of hereditaments not within the provisions of this section :

Provided that during the continuance of the Agricultural Rates Act 1896 the occupier of any agricultural land as defined in that Act shall be liable to pay thirty-seven per centum only of the rate in the pound payable in respect of hereditaments not within the provisions of this section: A.D. 1922.

Provided also that during the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the district as if the following provision were substituted for section 1 thereof (that is to say)—

"The owner of tithe rentcharge attached to a benefice shall be liable to pay only two-thirds of the amount payable under the section of the Padiham Urban District Council Act 1922 of which the marginal note is 'Differential rate in certain cases' in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining one-third thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the district be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of the estate duty grant."

(2) Nothing in this section shall in any way affect:—

(A) The operation of the Agricultural Rates Act 1896 save as in this section is expressly provided or the payment of the sum certified by the Minister of Health as the amount of the share of the annual grant payable under that Act out of the local taxation account to any spending authority or in respect of the parish or the operation of the Ecclesiastical Tithe Rentcharge (Rates) Act 1920; or

(B) The amount of the contribution for any purposes to be made by the parish out of the poor rate; or

(C) The calculation of the amount in the pound of the part of the consolidated rate levied for the purposes of the relief of the poor and other expenses of the guardians county

A.D. 1922.

contributions and expenses of the overseers respectively which is required to be stated in the demand note for the poor rate.

Rating of owners instead of occupiers.

101.—(1) The owner instead of the occupier of any dwelling-house may from time to time at the option of the Council be rated to the consolidated rate :—

Where the rateable value of the property does not exceed eight pounds :

Provided that where the rateable value of the property does not exceed eight pounds the owner so rated shall be entitled to a deduction of fifteen per centum from the amount of the rate when paid by him if he shall pay the same within three months after the rate shall have been made or within two months after it shall have been demanded whichever shall be the later :

Provided also that where the owner of any premises referred to in this subsection is willing to enter into an agreement to pay the rates whether the premises are occupied or not the Council may make an allowance or a further allowance not exceeding ten per centum from the amount of the rate when paid by him within the period aforesaid.

(2) When the Council exercise their powers under this section they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner and the owner shall pay the rate accordingly and during the currency of any such notice the provisions of this section shall apply within the district in substitution for the provisions with regard to the rating of owners instead of occupiers which are contained in section 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869.

Amendment of error in consolidated rate.

102. Any person aggrieved by reason of any clerical or arithmetical error in a consolidated rate may apply to a court of summary jurisdiction sitting in and for the district who after the applicant has given such notice to the overseers who made the rate and to such persons as the court may think just may hear the case in like manner as in the case of summary proceedings and amend the rate so far as respects the error.

Amendment of rates.

103. Section 221 of the Public Health Act 1875 shall apply to the district in respect of the consolidated rate as if the overseers of the parish were an urban authority and the rate therein mentioned were the consolidated rate.

Application of section 133 of Lands Clauses Consolidation Act 1845.

104. For the purposes of section 133 (Until completion of works promoters shall make good any deficiency of land tax and poor's rate caused by lands being taken) of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be one half of the aggregate of the amount in the pound of the consolidated rate.

As to recovery of consolidated rate.

105.—(1) No warrant of commitment in respect of non-payment of the consolidated rate shall be issued against any person who shall satisfy the court that his failure to pay the rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the rate.

(2) Notwithstanding anything contained in section 2 of the Poor Rate Assessment and Collection Act 1869 there may be recovered at one time from the occupier of any rateable hereditament to whom that section applies such portion of the consolidated rate as would be payable on the day on which a complaint of non-payment is made if the rate had been made payable by equal quarterly payments extending over the period for which the rate is made.

Form of rate to be prescribed by Minister of Health.

106. The consolidated rate and the demand note and any other necessary documents to be used for the purposes of or in connexion with the consolidated rate shall be in such form as the Minister of Health may from time to time prescribe.

PART XIV.

FINANCE.

Power to borrow.

107.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest

A.D. 1922.

thereon they may mortgage or charge the respective revenue funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the fourth column thereof (namely):—

Purpose.	Amount.	Charge.	Period for Repayment.
	£		
(A) For and in connexion with the purchase of lands and easements for the purpose of the waterworks authorised by this Act and the construction of the work No. 1 in the section of this Act the marginal note whereof is "Power to make waterworks."	24,112	The revenue of the water undertaking and the district fund and the general district rate.	Fifty years from the date or dates of borrowing.
(B) For and in connexion with the construction of the works Nos. 2 3 4 and 5 in the section of this Act the marginal note whereof is "Power to make waterworks."	16,538	The same -	Fifty years from the date or dates of borrowing.
(C) For the construction of additional trunk and other mains and other purposes in connexion with the supply of water by the Council.	5,000	The same -	Thirty years from the date or dates of borrowing.
(D) For the purchase of lands and the widening and improvement of Church Street and Burnley Road.	15,200	The district fund and the general district rate.	Sixty years from the date or dates of borrowing.
(E) For the purchase of Fenny Fold Farm.	2,650	The same -	Fifty years from the date or dates of borrowing.
(F) For laying out the same.	500	The same -	Twenty-five years from the date or dates of borrowing.
(G) For paying the costs charges and expenses of this Act.	The sum requisite.	The same -	Five years from the passing of this Act.

(2) (A) The Council may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act:

(B) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Council may mortgage or charge such revenue fund or rate as may be prescribed by the Minister of Health:

(C) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

(3) The provisions of this section prescribing the revenue funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Council by the section of the Act of 1908 of which the marginal note is "Power to use one form of mortgage for all purposes."

Postponement of sinking fund.

108. Notwithstanding anything in the recited Acts or in this Act contained it shall not be obligatory upon the Council to make the first payment to the sinking fund or to pay the first instalment of principal for the repayment of money borrowed for and in connexion with the purchase of land and easements for the purpose of the waterworks authorised by and the construction of the works specified in the section of this Act the marginal note whereof is "Power to make waterworks" under the provisions of the section of this Act the marginal note whereof is "Power to borrow" until completion of the waterworks or until the expiration of the third year from the date of borrowing whichever shall first happen.

Power to re-borrow.

109.—(1) The Council shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

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

A.D. 1922.

the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be paid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or
(B) By means of a sinking fund; or
(C) Out of moneys derived from the sale of land; or
(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Section 85 (Power to re-borrow) of the Act of 1908 is hereby repealed.

Application of water revenue.

110. The Council shall keep accounts in respect of their water undertaking separate from all other accounts distinguishing their capital from revenue and shall apply all money from time to time received by them in respect of their water undertaking except borrowed money and money properly applicable on capital account as follows :—

Firstly In payment of the working and establishment expenses and costs of maintenance of the undertaking;

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of the undertaking;

Thirdly In providing the moneys required to pay the annual sum for the time being payable in

respect of the unredeemed annuities created for the purchase of the water undertaking by the Act of 1874 and the yearly payments to the sinking fund created for the redemption of such annuities and the requisite appropriations and instalments in respect of moneys borrowed by the Council for the purposes of the undertaking;

Fourthly In extending and improving (if the Council think fit) any works for the purposes of the undertaking;

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

And the Council shall carry to the district fund so much of any balance remaining in any year of the said money received (together with the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on the undertaking and paying the current expenses connected therewith.

Section 28 (Application of reserve) of the Act of 1874 is hereby repealed.

As to deficiency in receipts.

111. Any deficiency in the revenues or receipts of the Council on account of the water undertaking shall be made good out of the district fund and the next general district rate to be made by the Council shall be

A.D. 1922.

increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Sinking fund payments.

112. Section 82 (Sinking fund) of the Act of 1908 is hereby amended by the substitution of "three "pounds ten shillings per centum per annum or such "other rate as may from time to time be sanctioned by "the Minister of Health" in lieu of the words "three pounds per centum per annum."

Application of financial provisions of Act of 1908.

113. The following provisions of the Act of 1908 shall apply and have effect as if they were with the necessary alterations re-enacted in this Act namely :—

Section 77 (Certain provisions of Public Health Act not apply);
Section 78 (Provisions as to mortgages);
Section 79 (Protection of lenders from inquiry);
Section 81 (Mode of payment off of money borrowed);
Section 82 (Sinking fund) as amended by this Act;
Section 83 (Return respecting sinking fund to Local Government Board);
Section 84 (Appointment of receiver);
Section 86 (Power to borrow under Local Loans Act 1875);
Section 87 (Power to use sinking fund instead of borrowing);
Section 88 (Power to use one form of mortgage for all purposes);
Section 91 (Application of money borrowed);
Section 92 (Application of moneys arising from sale of lands &c.);
Section 93 (Council not to regard trusts); and
Section 96 (Expenses of execution of Act).

PART XV.

MISCELLANEOUS.

Inquiries by Minister of Health.

114. Section 112 (Inquiries by Local Government Board) of the Act of 1908 is hereby amended by the substitution othe words "Minister of Health" for the words "Local Government Board" and the omission of the words "not exceeding three guineas a day."

A.D. 1922.

Application of miscellaneous provisions of Act of 1908.

115. The following provisions of the Act of 1908 shall apply and have effect as if they were with the necessary alterations re-enacted in this Act namely :—

Section 100 (Persons under disabi ty may grant easements &c.);
Section 104 (Evidence of appointments authority &c.);
Section 105 (Confirmation of byelaws);
Section 106 (Recovery of demands under one hundred pounds);
Section 107 (Recovery of penalties);
Section 108 (As to appeal);
Section 109 (Authentication and service of notices &c.);
Section 110 (Application of penalties);
Section 111 (Persons acting in execution of Act not to be personally liable);
Section 112 (Inquiries by Local Government Board) as amended by this Act;
Section 113 (Saving for indictments &c.); and
Section 115 (Crown rights).

Repeals.

116. Section 30 (Undisputed rates &c. may be recovered by distress) section 31 (Costs of proceedings may be included in warrant of distress) and section 32 (Sums not exceeding fifty pounds may be recovered in the county court) of the Act of 1854 and section 58 (Contents of summons &c.) section 59 (Costs of distress) and section 60 (Judges &c. not disqualified) of the Act of 1876 are hereby repealed.

As to breach of conditions of consent of Council.

117. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work of the doing of the act or thing without the required consent.

Consent of Council to be in writing.

118. All consents given by the Council under the provisions of this Act or of any local Act order byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise pre-

A.D. 1922.

scribed shall be given under the hand of the clerk or other duly authorised officer of the Council.

In executing works for owner Council liable for negligence only.

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

Damages and charges to be settled by justices.

120. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled or determined by a court of summary jurisdiction before whom any offender is convicted.

Apportionment of expenses in case of joint owners.

121. Where under any enactment for the time being in force within the district the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under such enactment are recoverable by the Council from the owners shall unless otherwise expressly provided be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Penalty on occupier refusing execution of Act.

122. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Part VII. (Streets Buildings and Sewers) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the

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

Summons or warrant may contain several sums.

123. Where the payment of more than one sum by any person is due under any of the recited Acts or this Act any summons or warrant issued for the purposes of any of the recited Acts or this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Judges not disqualified.

124. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or the recited Acts or in any proceedings with respect to the recovery of the consolidated rate or otherwise by reason of being liable to the said rate or any other rate.

Section 114 (Judges not disqualified) of the Act of 1908 is hereby repealed.

Costs of Act.

125. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund and general district rate or out of money to be borrowed under the powers of this Act for that purpose and shall be apportioned by the Council amongst the whole or part of the several undertakings and departments under the control of the Council and affected thereby as the Council may decide.

A.D. 1922.

The SCHEDULES hereinbefore referred to.

The FIRST SCHEDULE.

RECITED ACTS.

Short Title.	Session and Chapter.
The Padiham Waterworks Act 1854	17 Vict. c. lxvi.
The Padiham Water Act 1874	37 & 38 Vict. c. lxxviii.
The Padiham Local Board Act 1876	39 Vict. c. xxv.
The Padiham Local Board Act 1882	45 & 46 Vict. c. cix.
The Padiham Local Board Act 1889	52 & 53 Vict. c. lii.
The Padiham Urban District Council (Water) Act 1896 - - -	59 & 60 Vict. c. xlix.
The Padiham Urban District Council Act 1908 - - - - -	8 Edw. 7. c. civ.
The Padiham Order 1911 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1911 - - -	1 & 2 Geo. 5. c. cxlii.
The Padiham Order 1919 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1919 - - -	9 & 10 Geo. 5. c. lxxvi.
The Padiham Order 1921 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 3) Act 1921 - - -	11 & 12 Geo. 5. c. xix.

The SECOND SCHEDULE.

AN AGREEMENT made the twenty-third day of March one thousand nine hundred and twenty-two BETWEEN JOSEPH WILKINSON of Fennyfold Farm Padiham in the County of Lancaster Farmer (hereinafter called "the Vendor") of the one part and THE URBAN DISTRICT COUNCIL OF PADIHAM (hereinafter called "the Council") of the other part.

WHEREBY it is agreed as follows :—

1. Subject as hereinafter mentioned the Vendor shall sell and the Council shall purchase for the sum of two thousand five hundred pounds all that farm farmhouse messuage or

tenement known as Fennyfold Farm situate partly within the urban district of Padiham and partly within the parish of Hapton in the County Palatine of Lancaster with the farm and other buildings and closes of land occupied therewith which said premises contain thirty-eight acres three roods and twenty perches or thereabouts in statute measure are in the occupation of the Vendor and are (for the purpose of identification only) delineated with the abuttals thereof in the plan drawn upon an indenture (hereinafter referred to as "the Conveyance") dated the sixteenth day of December one thousand nine hundred and twenty-one and made between the Right Honorable Montague Arthur Earl of Abingdon of the first part Oswald Henry Philip Turville Petre and the Right Honorable Charles Joseph Thaddeus Baron Dormer of Wenge of the second part The Reverend Arthur Wykeham Pulteney Richard Maximilian Pulteney and the Right Honorable Walter Fitz-Uryan Baron Dynevor of the third part the Right Honorable Charles William Sydney Earl Manvers and the Honorable Evelyn Henry Pierrepont of the fourth part the Equity and Law Life Assurance Society of the fifth part John Todd of the sixth part and the Vendor of the seventh part and therein surrounded by a red verge line for an estate of inheritance in fee simple in possession free from incumbrances except as hereinafter mentioned Together with the full right and advantage of the exceptions and reservations covenants and conditions on the part of the respective lessees and grantees contained in the Indentures mentioned in the Schedule hereto so far as such exceptions and reservations covenants and conditions relate to or affect the hereditaments hereby agreed to be sold or the owner for the time being thereof.

2. Upon the conveyance of the said hereditaments to the Vendor there was excepted and reserved thereout the mines and minerals with power to work and get the same an easement for the waterworks chambers catchwaters pipes and fittings of the Earl of Abingdon existing therein and rights of way to adjoining farms and the premises are sold subject to all such exceptions and reservations and to the existing sewer easements with the Burnley Rural District Council the Council and the Burnley Corporation respectively along the lines indicated on the said plan and subject to and with the benefit of the rights and obligations of the respective authorities in respect thereof and with the full benefit and advantage of all the rights easements and advantages to which the Vendor became and is now entitled under the Conveyance in respect of the said hereditaments.

3. The title of the Vendor to the said premises having been already inquired into and approved of on behalf of the Council (subject to the ninth clause hereof) shall be accepted by the Council without further investigation.

4. The purchase shall be completed at the Offices of the Council in Padiham at the expiration of one month from the

A.D. 1922.

date on which the Royal Assent shall be given to the Bill which the Council is promoting in the present Session of Parliament (1922) for an Act the short title whereof is the Padiham Urban District Council Act 1922 and the purchase money shall then be paid to the Vendor.

5. The Council shall also pay to the Vendor on completion of the purchase interest on the said purchase money from the thirty-first day of December one thousand nine hundred and twenty-one until actual payment of the purchase money at the rate of six pounds per centum per annum.

6. The Vendor having prior to the purchase of the said hereditaments by him held the same as tenant from year to year at an annual rent of seventy pounds shall continue to occupy the same farming the same in the same manner as heretofore and holding the same as tenant to the Council as from the date of completion until the second day of February one thousand nine hundred and twenty-three as to the lands and the twelfth day of May one thousand nine hundred and twenty-three as to the buildings on which days he shall give up possession thereof to the Council and shall pay in respect of his occupation thereof between the thirty-first day of December one thousand nine hundred and twenty-one and the giving up possession a rent computed after the rate of seventy pounds per annum.

7. The posts and wire fence recently erected by the Vendor round the portion of the field number 45 on the said plan which is now arable may be removed by the Vendor prior to his giving up possession of the premises but except as aforesaid the purchase money and interest includes all claims of the Vendor of every description arising out of or in connexion with his ownership or occupation of the premises.

8. Upon completion of the purchase the Council shall pay the Vendor's costs and expenses incurred in or about the preparation and execution of this Agreement and of and incident to the deducing of the title to and the perusal and completion of the conveyance such costs to be charged in accordance with Schedule I. of the Solicitors Remuneration Act.

9. This Agreement is subject to the Council obtaining in the present Session of Parliament the powers which they seek with respect to the said hereditaments in Parts VI. (Parks and Recreation Grounds) and XIV. (Finance) of the Bill for the said Act and to the provisions of the said Act and if the said powers be not obtained during the present Session of Parliament either party may by notice in writing served upon the other party withdraw from this Agreement and thereupon these presents shall be void and of non-effect and without prejudice to either party in any present or future actions proceedings matters or things whatsoever.

10. This Agreement is made subject to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration therein either party may withdraw from the Agreement.

In witness whereof the Vendor hath hereunto set his hand and seal and the Council hath caused their common seal to be hereunto affixed the day and year first before written.

The SCHEDULE before referred to.

7th September 1909	-	Lease made between the Earl of Abingdon of the one part and Henry Ormerod James Ormerod and John Henry Ormerod of the other part being a lease of the premises number 69 on the said plan.
13th October 1863	-	Lease made between Charles Towneley of the one part and Howarth Waddington of the other part being a lease of the premises number 9 on the said plan.
1st July 1912	- -	Conveyance made between the then Pulteney Mortgagees of the first part the then Sir James Bacon Mortgagees of the second part Philip Witham and Charles John Roskell of the third part the Earl of Abingdon of the fourth part the then Settlement Trustees of the fifth part and the Council of the sixth part being a conveyance to the Council of lands for an extension of the public cemetery.

Signed sealed and delivered by the said Joseph Wilkinson in the presence of } JOSEPH WILKINSON. L.S.

A. E. MONCHIER
Clerk with Mr. JAS. C. WADDINGTON
Solicitor Burnley and Padiham.

The common seal of the Padiham Urban District Council was hereunto affixed pursuant to a resolution of the Council in the presence of } L.S.

MAJOR HARGREAVES Chairman.
JAS. C. WADDINGTON Clerk.

A.D. 1922.

The THIRD SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY ARE TO BE TAKEN.

Parish or Township.	Description of Property.	No. on Deposited Plans.
Padiham	Forecourt in each case	49 50 51 52 53 and 54
Padiham	Forecourt and wall	55
Padiham	Forecourt in each case	56 57 58 and 59
Padiham	Passage	60
Padiham	Forecourt in each case	61 62 63 64 65 66 67 and 68

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