CHAPTER xlv.

An Act to increase the harbour tolls dock rates and market tolls leviable by the corporation of Preston to confer powers upon the Corporation with reference to the development of certain lands and the acquisition of other lands to make further provision with regard to the water transport electricity and markets undertakings of the Corporation and the health improvement local government and finance of the borough of Preston and for other purposes. [13th August 1947.]

WHEREAS the county borough of Preston is a municipal borough under the management and local government of the mayor aldermen and burgesses of the borough acting by the council (in this Act respectively referred to as " the borough " and " the Corporation "):

And whereas it is expedient that the harbour tolls wharfage rates and market tolls leviable by the Corporation should be increased as in this Act provided:

And whereas under the Preston Corporation Water Acts 1853 to 1904 and divers other enactments the Corporation are the owners of waterworks and supply water within the borough of Preston and elsewhere:

And whereas the supply of water now available to the Corporation is inadequate to meet the requirements of the inhabitants within the limits for the supply of water by the Corporation and it is expedient that the Corporation should be empowered as provided by this Act to make and maintain additional waterworks and to take additional waters from the Langden and Hareden Streams and that further provision should be made in regard to their water undertaking:

And whereas it is expedient that further and better provision should be made with reference to streets buildings and sanitary matters and for the local government and improvement of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended:

And whereas the Corporation are the owners of a markets undertaking and it is expedient to confer further power on the Corporation in regard to that undertaking:

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their Ribble navigation transport and electricity undertakings and that further provision should be made for the development of certain lands in the borough and with regard to the finances of the borough as by this Act provided:

And whereas estimates have been prepared by the Corporation in relation to the following purpose in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

	£
The construction of the waterworks by this Act authorised and works in connection therewith	30,000

And whereas the several works included in the said estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years as by this Act provided:

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

And whereas plans and sections showing the lines and levels of the works to be authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed 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 county council of the west riding of the county of York which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

23 & 24 Geo. 5. c. 51.

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

PART I.

PRELIMINARY.

Short and collective titles.

1.—(1) This Act may be cited as the Preston Corporation Act 1947.

(2) The Preston Corporation Water Acts 1853 to 1904 and so much of the Preston Corporation Acts 1914 1921 1931 and 1933 and this Act as relates to water may be cited together as the Preston Corporation Water Acts 1853 to 1947. 4 & 5 Geo. 5. c. lxxii. 11 & 12 Geo. 5. c. xxv.

(3) The Ribble Navigation Acts 1853 to 1905 and so much of the Preston Corporation Acts 1914 1921 and 1931 and this Act as relates to the Ribble navigation may be cited together as the Ribble Navigation Acts 1853 to 1947. 21 & 22 Geo. 5. c. xiii. 23 & 24 Geo. 5. c. ix.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Ribble navigation.
Part III.—Water.
Part IV.—Lands.
Part V.—Streets buildings sewers and drains.
Part VI.—Infectious disease and sanitary provisions.
Part VII.—Markets and weighing machines.
Part VIII.—Sale of coke &c.
Part IX.—Financial provisions.
Part X.—Miscellaneous.
Part XI.—General.

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 and form part of this Act:—

(*a*) The Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act 1845): 8 & 9 Vict. c. 18.

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section;

PART I. —*cont.*

8 & 9 Vict. c. 20.

(*b*) 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 also section 16 (Works which may be executed) of that Act:

Provided that—

(i) in and for the purposes of this Act the expression " the undertakers " or " the promoters of the undertaking " or " the company " used in such incorporated enactments shall mean the Corporation;

(ii) for the purposes of the said section 85 of the Lands Clauses Consolidation Act 1845 as incorporated with this Act the Corporation shall be deemed to be a railway company and section 36 (except paragraph (4) thereof) of the Railway Companies Act 1867 shall apply accordingly;

30 & 31 Vict. c. 127.

(iii) for the purposes of the incorporated provisions of the Railways Clauses Consolidation Act 1845 " the railway " shall mean the works by this Act authorised to be constructed by the Corporation and the centre lines of pipes by this Act authorised as shown on the deposited plans shall be deemed to be the centre of the railway;

(*c*) The following provisions of the Third Schedule to the Water Act 1945 shall apply with reference to the exercise of the powers of Part III (Water) of this Act:—

8 & 9 Geo. 6. c. 42.

Part I (Interpretation).

Part II (Works and lands) except section 7.

Part XVI (General and miscellaneous) except sections 79 to 91 (inclusive) and 93:

Provided that for the purposes of the application of such provisions section 2 of the said schedule shall be read and have effect as if the expression " the deposited plans " were substituted therein for the expression " the plans submitted to the Minister " and the expression " the deposited sections " were substituted therein for the expression " the said plans " wherever the last-mentioned expression occurs in that section.

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

PART I. —*cont.*

(2) In this Act unless the subject or context otherwise requires—

" The borough " means the county borough of Preston;

" The Corporation " means the mayor aldermen and burgesses of the borough and so far as regards so much of this Act as relates to the Ribble navigation means the mayor aldermen and burgesses of the borough whether acting under the provisions of the Municipal Corporations Acts or in the execution of the Ribble Navigation Acts 1853 to 1947;

" The council " means the council of the borough;

" The town clerk " " the medical officer " " the surveyor " and " the sanitary inspector " mean respectively the town clerk the medical officer the surveyor and any sanitary inspector of the borough and " medical officer " includes any person duly appointed by the Corporation to discharge temporarily the duties of medical officer of health;

" The general rate fund " and " the general rate " mean respectively the general rate fund and the general rate of the borough;

" The Ribble navigation " and " the port and harbour of Preston " mean the port and harbour of Preston as defined constructed and constituted by or by virtue of the Ribble Navigation Acts 1853 to 1947;

" The Ribble navigation undertaking " means the Ribble navigation undertaking of the Corporation as from time to time authorised;

" The Lands Clauses Acts " means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part II of the Town and Country Planning Act 1944 and by this Act; 9 & 10 Geo. 5. c. 57. 7 & 8 Geo. 6. c. 47.

" The tribunal " means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

" Industrial building " has the same meaning as in the Distribution of Industry Act 1945; 8 & 9 Geo. 6. c. 36.

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

" The water undertaking " " the electricity undertaking " " the transport undertaking " and " the markets undertaking " mean respectively the water

PART I. —*cont.*

undertaking the electricity undertaking the transport undertaking and the markets undertaking of the Corporation as from time to time authorised;

"The electricity limits" means the limits within which the Corporation are from time to time authorised to supply electricity;

"The Act of 1936" means the Public Health Act 1936 and "the Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same prior to the Act of 1936;

38 & 39 Vict. c. 55.

"Electric line" has the same meaning as in the Electric Lighting Act 1882;

45 & 46 Vict. c. 56.

"Telegraphic line" has the same meaning as in the Telegraph Act 1878;

41 & 42 Vict. c. 76.

"Sunday school" means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday of not;

"Food" has the meaning assigned to it by section 100 of the Food and Drugs Act 1938;

1 & 2 Geo. 6. c. 56.

"The Minister" means the Minister of Health;

"The Act of 1933" means the Local Government Act 1933;

"Public service vehicle" has the same meaning as in the Road Traffic Acts 1930 to 1947;

"Enactment" means any Act of Parliament whether public general local or private any order or scheme made under an Act of Parliament or any provision in an Act of Parliament or in any such order or scheme;

"Contravention" in relation to any enactment byelaw order rule term condition restriction or notice includes a failure to comply with that enactment byelaw order rule term condition restriction or notice and "contravene" shall be construed accordingly;

"Weighing machine" means a weighing machine available for the use of the public for the purpose of ascertaining the weight of any vehicle or the loading thereof;

"The Act of 1880" means the Preston Improvement Act 1880;

43 & 44 Vict. c. cxviii.

"The Act of 1883" means the Ribble Navigation and Preston Dock Act 1883;

46 & 47 Vict. c. cxv.

"The Act of 1888" means the Ribble Navigation &c. Act 1888;

51 & 52 Vict. c. clxxiii.

PART I. —*cont.*

"The Act of 1921" means the Preston Corporation Act 1921;

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

"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 security of the Corporation; 38 & 39 Vict. c. 83.

"Authorised security" means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money.

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

(4) In Part III (Water) of this Act all distances and lengths stated in any description of works shall be read and have effect as if the words "or thereabouts" were inserted after each such distance and length.

PART II.

RIBBLE NAVIGATION.

Increase of harbour tolls and wharfage rates.

5.—(1) For the Sixth Schedule to the Act of 1883 there shall be substituted the First Schedule to this Act and section 80 (Harbour tolls) of the Act of 1883 shall have effect as if the First Schedule to this Act were referred to therein instead of the Sixth Schedule to the Act of 1883 and the Ribble Navigation Acts 1853 to 1947 shall be read and construed accordingly.

(2) For the Second Schedule to the Act of 1888 there shall be substituted the Second Schedule to this Act and section 25 (Alteration of tolls &c. of Act of 1883) of the Act of 1888 shall

PART II. —*cont.*

have effect as if the Second Schedule to this Act were referred to therein instead of the Second Schedule to the Act of 1888 and the Ribble Navigation Acts 1853 to 1947 shall be read and construed accordingly.

For protection of Leeds and Liverpool Canal Company.

6. Subsections (1) and (3) of section 87 (For protection of Leeds and Liverpool Canal Company) of the Act of 1883 shall extend and apply as if they were re-enacted in this Act.

Revision of tolls and charges.

7.—(1) If it is represented by application in writing to the Minister—

(*a*) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose; or

(*b*) by the Corporation;

that in the circumstances then existing the authorised tolls or any of them should be revised the Minister if he thinks fit may make an order revising the authorised tolls referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

(2) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application for revision of authorised tolls or an authorised toll an order has been made or the Minister has decided not to make an order no further application for a revision of the tolls or toll to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister may (if he thinks fit) cause an inquiry to be held in reference thereto.

(5) In this section the expression—

"authorised tolls" means the rates tolls and charges which the Corporation are for the time being authorised to levy in pursuance of this Act or any enactment relating to the Ribble navigation undertaking;

"the Minister" means the Minister of Transport.

(6) Section 35 (Revision of tolls rates and dues) of the Act of 1921 shall cease to have effect.

PART II. —*cont.*

Removal of sunk stranded or abandoned vessels.

8.—(1) Whenever any vessel is sunk stranded or abandoned in any part of the Ribble navigation the Corporation may if they think fit cause the vessel to be raised or removed or (in the case of any vessel which it is not reasonably practicable to remove) to be blown up or otherwise destroyed in such manner as to clear the said navigation.

(2) The Corporation may recover from the owner of any such vessel all expenses incurred by the Corporation under this section in connection with that vessel or in raising removing or saving any furniture tackle and apparel thereof or any cargo goods chattels and effects raised removed or saved therefrom or in marking lighting watching buoying or otherwise controlling such vessel either summarily as a civil debt where the amount recoverable does not exceed twenty pounds or as a debt in any court of competent jurisdiction:

Provided always that the Corporation may if they think fit and shall if so required by the owner of the vessel cause such vessel and any furniture tackle apparel cargo goods chattels and effects or any part of the same respectively so raised removed or saved as aforesaid to be sold in such manner as they think fit and out of the proceeds of the sale may after paying any duties of customs or excise which shall be payable in respect of the said cargo goods chattels and effects reimburse themselves for any such expenses and shall hold the surplus if any of those proceeds in trust for the persons entitled thereto and in case such proceeds shall be insufficient to reimburse the Corporation such expenses the deficiency may be recovered by the Corporation in manner aforesaid.

(3) The Corporation shall (except in case of emergency) before raising removing blowing up or destroying any such vessel under the provisions of this section give to the owner of the vessel twenty-four hours' notice of their intention so to do and if within twelve hours after the expiration of such notice the owner gives to the Corporation notice in writing of his intention himself to raise and remove the vessel he shall be at liberty to do so in lieu of the Corporation:

Provided that if the owner gives any such notice as last aforesaid—

(*a*) he shall in raising or removing the vessel comply with any directions which may from time to time be given to him by the Corporation for the purpose of preventing interference with navigation; and

(*b*) he shall forthwith after giving such notice commence and shall with all diligent dispatch proceed with and complete the raising or removal of the vessel;

and if such raising or removal be not completed within seven days after the giving of such notice by the owner such notice

PART II. —*cont.*

shall be null and void and the Corporation shall be at liberty to cause the vessel to be raised or removed or blown up or otherwise destroyed in accordance with the provisions of this section as if the owner had not given such notice.

(4) The Corporation shall (except in case of emergency or when required by the owner to sell) before selling any such vessel under the provisions of this section give to the owner seven days' notice of their intention so to do.

(5) Any notice given by the Corporation pursuant to subsection (3) or subsection (4) of this section shall be given by delivering the same to the owner or by posting a prepaid letter addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place of abode in the United Kingdom or if the owner or his place of business or abode is not known to the Corporation then by exhibiting such notice at the main entrance to the dock from Watery Lane in the borough for twenty-four hours in the case of a notice given under the said subsection (3) or for seven days in the case of a notice given under the said subsection (4).

(6) If by reason or in consequence of the exercise of the powers of this section any injury is done to any drainage works belonging to a catchment board or a drainage board the Corporation shall either make good the injury or repay to the catchment board or drainage board as the case may be the cost of so doing.

(7) In this section the expression—

"owner" in relation to any vessel sunk stranded or abandoned as aforesaid means the owner of that vessel at the time of the sinking stranding or abandonment thereof;

"the dock" means the dock authorised by the Act of 1883;

"vessel" includes a seaplane on the surface of the water;

"seaplane" includes a flying boat and any other aircraft designed to manœuvre in the water:

Provided that nothing in this section shall authorise the Corporation to require the dismantling of a seaplane or any part thereof or the making of any alteration whatsoever to the structure or equipment of a seaplane.

(8) The powers conferred on the Corporation by this section shall be in addition to and not in derogation of any other powers exerciseable by them for or with respect to the removal of wrecks.

PART III.

WATER.

Power to make waterworks.

9. Subject to the provisions of this Act the Corporation may in the parish of Bowland Forest Higher Division in the rural district of Bowland in the west riding of the county of York and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works:—

Work No. 1. A weir and intake across the Losterdale Brook at a point therein 2,670 feet above the junction thereof with the Langden Brook;

Work No. 2. A line or lines of pipes commencing at Work No. 1 and terminating at the existing weir and intake constructed by the Corporation across the Langden Brook;

Work No. 3. A weir and intake across the Penny Brook at a point therein 580 feet above the junction thereof with the Losterdale Brook;

Work No. 4. A line or lines of pipes commencing at Work No. 3 and terminating in the Losterdale Brook at a point immediately above Work No. 1;

Work No. 5. A weir and intake across the Smelt Mill Clough at a point therein 350 feet above the junction thereof with the Langden Brook;

Work No. 6. A line or lines of pipes commencing at Work No. 5 and terminating at the existing brick culvert constructed by the Corporation;

Work No. 7. A weir and intake across the Lane Foot Brook at a point therein 270 feet above the junction thereof with the Hareden Brook;

Work No. 8. A line or lines of pipes commencing at Work No. 7 and terminating at the existing weir and intake constructed by the Corporation across the Hareden Brook.

10. The works by this Part of this Act authorised shall for all purposes be deemed part of the water undertaking.

Works to form part of water undertaking.

Period for completion of works.

11. If the works by this Part of this Act authorised are not completed on or before the first day of October one thousand nine hundred and fifty-six then as from that date the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed:

Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of the works by this Part

PART III. —*cont.*

of this Act authorised and in the case of the lines of pipes so authorised may lay down additional lines of pipes as and when occasion may require.

For protection of West Riding County Council.

12. Notwithstanding any of the provisions of this Act section 18 (For protection of West Riding County Council) of the Preston Corporation Act 1931 shall extend and apply to the line or lines of pipes authorised by this Act as if such line or lines of pipes were the aqueducts authorised by the said Act of 1931.

For further protection of West Riding County Council.

13. For the further protection of the county council of the administrative county of the west riding of Yorkshire (in this section referred to as " the county council ") the following provisions shall unless otherwise agreed in writing between the county council and the Corporation and in addition to the provisions of section 18 of the Preston Corporation Act 1931 which are applied by the section of this Act of which the marginal note is " For protection of West Riding County Council " apply and have effect:—

(1) Not less than fourteen clear days before the Corporation commence to break open the roadway or footpath of any county road or any bridge vested in or maintainable by the county council for the purpose of constructing or maintaining any line or lines of pipes authorised by this Act they shall give notice of their intentions and of the time when they propose to commence the work to the county council or to some officer of the county council authorised by the county council to receive such notices:

Provided that in cases of emergency arising from defects in any such pipes it shall be sufficient if the notice required by this section is given as soon as possible after the necessity for the work becomes known to the Corporation:

(2) (*a*) When for any such purpose as aforesaid the Corporation break open the roadway or footpath of any county road or any such bridge as aforesaid they shall with all convenient speed and to the reasonable satisfaction of the county council complete the work and fill in the ground with such materials as may be reasonably approved by the surveyor of the county council and to the reasonable satisfaction of the said surveyor consolidate the same by ramming (mechanical or otherwise) and reinstate and make good the roadway or footpath (as the case may be) and remove all rubbish resulting from their operations and shall after replacing and making good the roadway or footpath keep it in good repair

for three months and for such further time (if any) not being more than twelve months in the whole as the soil may continue to subside;

(*b*) So long as any such roadway or footpath remains broken open or obstructed the Corporation shall make adequate arrangements for the control of traffic and shall cause the roadway or footpath to be properly fenced and guarded at all times and to be efficiently lighted between the hours of sunset and sunrise:

(3) If the Corporation fail to comply with or contravene any of the provisions of subsection (2) of this section they shall without prejudice to their civil liability (if any) to a person aggrieved be liable to a fine not exceeding five pounds and to a further fine not exceeding five pounds for each day on which the offence continues after notice thereof has been given to them by or by an officer of the county council and the county council may in addition to or in lieu of taking proceedings under this subsection themselves execute any work necessary to remedy the default and may recover the expenses reasonably incurred by them in so doing from the Corporation summarily as a civil debt:

(4) The provisions of this section shall apply in relation to any land within the limits of a county road but not included in a roadway or footpath thereof as if that land were or formed part of a footpath of such road:

(5) If any difference shall arise between the Corporation and the county council under this section (other than a difference as to the construction or meaning of this section) such difference shall be referred to arbitration by a single arbitrator to be appointed unless otherwise agreed on the application of either party by the President of the Institution of Civil Engineers.

For protection of land drainage works.

14. (*a*) If the Corporation in constructing any line or lines of pipes authorised by this Act remove alter damage or otherwise interfere with any pipe drain or ditch laid down constructed or used for the purpose of draining any land or highway the Corporation shall with all reasonable dispatch restore and make good such pipe drain or ditch to the reasonable satisfaction of the county council of the administrative county of the west riding of Yorkshire in any case in which the said county council are concerned as a drainage authority or a highway authority and in any other case to the satisfaction of the Minister of Agriculture and Fisheries.

PART III. —*cont.*

(*b*) Any difference between the Corporation and the said county council under this Act shall be determined in manner provided by the section of this Act of which the marginal note is "For further protection of West Riding County Council."

For preservation of amenities.

15.—(1) In the construction and maintenance of the works by this Part of this Act authorised in the parish of Bowland Forest Higher Division all reasonable regard shall be had to the preservation of the view or beauty of any rural scenery and of the amenities of the said parish and the surrounding countryside.

(2) All spoil or material obtained in or in connection with the construction or maintenance of the said works shall be so spread over the surface of the ground in suitable places and sown with grass seed as to become inconspicuous.

Power to take water.

16. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking the waters of the Losterdale Brook the Penny Brook the Smelt Mill Clough and the Lane Foot Brook and all such springs streams and waters as will or may be taken or intercepted by means of the works by this Part of this Act authorised.

Restriction in taking water from Losterdale and Penny Brooks.

17.—(1) (*a*) The Corporation shall not collect impound take use or appropriate at any time from the Losterdale Brook and the Penny Brook a quantity of water greater than three-fourths of the aggregate of the quantity of water then flowing in the said brooks nor collect impound take use or appropriate any water from the said brooks when the aggregate quantity of water then flowing in the said brooks shall be less than at the rate of two hundred thousand gallons per day of twenty-four hours.

(*b*) The Corporation shall not collect impound take use or appropriate at any time from the Losterdale Brook and the Penny Brook any water so as to reduce the aggregate quantity of water then flowing in the Losterdale Brook and the Penny Brook to less than a rate of two hundred thousands gallons per day of twenty-four hours.

(*c*) The Corporation shall not in any one day of twenty-four hours collect impound take use or appropriate from the Losterdale Brook and the Penny Brook a total greater quantity of water than three million five hundred thousand gallons.

(*d*) Nothing in this Act shall prevent the Corporation from diverting at any time by means of Works Nos. 3 and 4 by this Part of this Act authorised the waters of the Penny Brook into the Losterdale Brook and for the purposes of this section

PART III. —*cont.*

the aggregate quantity of water flowing in the said brooks shall mean the amount of water flowing naturally in the Losterdale Brook immediately above the weir and intake Work No. 1 by this Part of this Act authorised together with the amount of water diverted by means of the said Works Nos. 3 and 4 from the Penny Brook into the Losterdale Brook.

(2) The Corporation shall before taking any water from the Losterdale Brook or the Penny Brook construct on approved sites approved gauges to gauge the quantity of water taken and the aggregate quantity of water flowing in the said brooks and they shall not take any water in excess of the quantity authorised to be taken.

(3) If the Corporation—

(*a*) fail to construct or maintain in good order any such gauge as aforesaid or refuse to allow any person interested to inspect and examine any such gauge or any records made thereby or kept by them in connection therewith or to take copies of any such records; or

(*b*) take any water from the Losterdale Brook or the Penny Brook contrary to the provisions of subsection (1) of this section;

they shall in respect of every day on which any breach of any of the provisions of this subsection occurs forfeit and pay to each of the persons injuriously affected by such breach (including the Ribble Board of Conservators) who shall sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss or injury sustained by any such person:

Provided that the total amount recoverable as a penalty in respect of any one day on which any such breach occurs shall not exceed fifty pounds in the aggregate.

(4) In this section the expression "gauge" includes a gauge weir or other apparatus for measuring the flow of water and the expression "approved" means approved by the Minister.

(5) For the purposes of this section a catchment board a fishery board a rivers board and a navigation authority shall be deemed to be interested in the flow of water in any stream within their area or district or as the case may be forming part of their system of navigation or any stream feeding such a stream or any part of that system and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such stream.

PART III. —*cont.*

4 & 5 Geo. 5. c. 58.

(6) Subject to the provisions of section 5 of the Criminal Justice Administration Act 1914 any fine recovered under this section on the complaint of a fishery board or of an officer of or person authorised by a fishery board shall as to the whole or such part thereof as the court may determine be paid to the board in respect of the costs of the prosecution.

Amendment of section 25 of Act of 1921.

18.—(1) Subsections (1) and (2) of section 25 (Increased supply of water from Langden and Hareden Streams) of the Act of 1921 shall cease to have effect and in lieu thereof the following provisions shall have effect:—

"(1) Notwithstanding anything contained in the Act of 1869 the Corporation shall not take appropriate or use any waters from the Langden Stream and the Hareden Stream except in accordance with the provisions of this section:

(2) (*A*) If and so long as there is passing down the Langden and Hareden Streams immediately above the points of intake by the Corporation quantities of water which together do not exceed eight million gallons per day of twenty-four hours the Corporation may for the purposes of the water undertaking take appropriate and use water at the rate per day of the excess beyond three million gallons;

(*B*) If and so long as there is passing down the Langden and Hareden Streams immediately above the points of intake by the Corporation quantities of water which together exceed eight million gallons per day of twenty-four hours the Corporation may for the purposes of the water undertaking take appropriate and use water at the rate per day of five million gallons and in addition three-fourths of the excess beyond the said eight million gallons:

Provided that the maximum quantity of water so to be taken by the Corporation in any one day shall not exceed twenty-four million gallons;

(*C*) The quantity of water to be taken and appropriated from each of the said streams shall be in the same proportion to the total quantity taken as the gathering ground of such stream bears to the total gathering ground of the two streams."

(2) Subsection (1) of section 26 (For protection of county councils and others) of the Act of 1921 shall cease to have effect.

Power to Corporation to make junctions &c.

19. It shall be lawful for the Corporation at any point outside the limits within which the Corporation are from time to time authorised to supply water to make maintain and use

junctions connections and communications between all or any of the works by this Part of this Act authorised and any mains pipes conduits aqueducts culverts or other works of the Corporation made or to be made:

Provided that the provisions of Part VI of the Third Schedule to the Water Act 1945 shall apply to the breaking up of streets for the purpose of the making maintenance and use of any such junctions connections or communications in any street.

Temporary stoppage of streets.

20.—(1) The Corporation during and for the purpose of the execution of any works forming part of the water undertaking may temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land house or building in the street from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such land house or building.

(3) The Corporation shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of the London Midland and Scottish Railway Company.

(4) Before exercising the powers of this section with respect to any street outside the borough the Corporation shall give not less than fourteen days' notice in writing to the highway authority having jurisdiction over such street and make such arrangements with the highway authority as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street during the execution of any works.

As to charges for water supplied to shipping.

21.—(1) Notwithstanding anything in any enactment relating to the Corporation the Corporation may charge in respect of water supplied to shipping in the port and harbour of Preston such sum as the Corporation may think fit and any sum charged under this section shall be recoverable in the same manner as water rates.

(2) The sum to be charged by the Corporation under subsection (1) of this section shall be such sum as will give them a reasonable return on the capital expenditure incurred by them in providing the water supplied and will cover other standing charges incurred by them in order to meet the possible maximum demand in respect of such supply and will

PART III. —*cont.*

yield a reasonable return on the cost of the water supplied and the attendances of officers and servants of the Corporation in connection therewith The sum to be so paid shall be determined in default of agreement by arbitration.

Recovery of water rents rates and charges.

22. Notwithstanding the provisions of any other enactments any water rents rates and charges recoverable by the Corporation in a court of summary jurisdiction may be recovered in the same manner and subject to the same provisions in respect of such recovery as the general rate.

PART IV.

LANDS.

Power to acquire lands.

23. Subject to the provisions of this Act the Corporation may 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 as may be required for the purposes of the works by this Act authorised.

Period for compulsory purchase of lands.

24. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October one thousand nine hundred and forty-seven.

Correction of errors in deposited plans and book of reference.

25.—(1) If there is any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and shall in the certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described.

(3) Any such certificate or a copy thereof shall be deposited with the clerk of the county council of the administrative county of the west riding of Yorkshire and a duplicate thereof shall also be deposited with the clerk of the county district and with the clerk of the parish council of the district and parish in which the lands are situate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with the certificate.

PART IV. —*cont.*

(4) Any certificate or copy and duplicate deposited under his section shall be kept by such clerks respectively with the ther documents to which the same relate.

Compensation in case of recently acquired interest.

26. For the purposes of determining any question of disuted compensation payable in respect of lands taken under he powers of this Part of this Act the tribunal shall not ward any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect f any interest in the lands created after the first day of November one thousand nine hundred and forty-six if in the pinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim s made was not reasonably necessary and was made or reated with a view to obtaining or increasing compensation nder this Act.

Further powers for acquisition of lands.

27.—(1) The Corporation notwithstanding that the same may ot be immediately required may by agreement purchase or cquire or take on lease and hold any lands which in their pinion it is desirable that the Corporation should acquire for r in connection with the purposes of any of their undertakings owers or duties or for the benefit improvement or development of the borough:

Provided that the power to acquire lands for the benefit improvement or development of the borough conferred by this ection shall not be exercised as regards any lands situate ithout the borough except with the consent of the council of he administrative county in which such lands are situate but uch consent shall not be unreasonably withheld and any question whether such consent is unreasonably withheld shall be etermined by the Minister.

(2) When any lands purchased or acquired or taken on lease y the Corporation under this section shall be appropriated to ny undertaking or to any of their powers or duties a transfer f the outstanding loan in respect thereof shall be effected to he proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate nd and general rate.

Compulsory acquisition of land for Ribble navigation undertaking substations and markets.

28.—(1) The Corporation by means of an order made by he Corporation and submitted to the Minister and confirmed y him may be authorised to purchase land compulsorily for he purposes of—

(*a*) the Ribble navigation undertaking;

(*b*) the erection thereon in pursuance of the powers of the Acts and Orders relating to the electricity undertaking

PART IV. —*cont.*

of a station for transforming converting or distributing electricity; or

(*c*) the markets undertaking.

9 & 10 Geo. 6. c. 49.

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

(3) In this section the expression " the Minister " means in relation to the purchase of land for the purposes of—

(*a*) the Ribble navigation undertaking the Minister of Transport;

(*b*) the erection thereon of a station for transforming converting or distributing electricity the Minister of Fuel and Power;

(*c*) the markets undertaking the Minister.

Power to reinstate owners of property.

29. The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the provisions of any enactment from time to time in force in the borough with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Compensation may be in land &c.

30. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any government department is required only with such consent.

Entry on lands for purpose of survey &c.

31.—(1) Whenever it becomes necessary for the Corporation or any of their officers servants contractors or workmen to enter examine or lay open any lands (not being lands on which buildings for manufacturing purposes are erected) for the purpose of making plans surveying measuring taking levels or making trial holes and the owner or occupier of such lands refuses to permit the same to be entered upon examined or laid open for the purposes aforesaid or any of them the Corporation may after written notice to such owner or occupier apply to a court of summary jurisdiction for an order authorising the Corporation to enter examine and lay open the said lands for the purposes aforesaid or any of them.

(2) If sufficient cause is shown for the application the court may make an order accordingly and on such order being made the Corporation or any of their officers servants contractors or workmen may at all reasonable times between the hours

of nine in the forenoon and six in the afternoon enter examine or lay open the lands mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing: PART IV. —*cont.*

Provided that except in case of emergency no entry shall be made or works commenced under this section unless at least twenty-four hours' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

(3) The Corporation shall at their own expense make good and restore to their former condition any lands laid open by them or their officers servants contractors or workmen and shall make good to the reasonable satisfaction of the owner or occupier of the lands entered all damages or loss sustained by him in consequence of such entry examination or laying open and any dispute as to the amount of damage or loss so sustained as aforesaid shall in default of agreement be assessed by a court of summary jurisdiction and the amount so assessed shall be recoverable in such court.

(4) The Corporation shall not exercise the powers of this section in respect of any lands belonging to any statutory undertakers and used for the purpose of their undertaking except with the consent of the statutory undertakers which consent shall not be unreasonably withheld.

Power to develop lands.

32.—(1) The Corporation may with the consent of the Minister lay out and develop any lands belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain industrial buildings warehouses shops offices dwelling-houses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any of such lands and may sell lease exchange or otherwise dispose of any such lands or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Corporation shall before applying to the Minister for his consent under subsection (1) of this section to the laying out and development of any lands situate outside the borough give notice in writing to the clerk of the county council of the administrative county of the county palatine of Lancaster and of the local authority concerned of their intention to make such application and the Minister shall consider any representations made to him by such county council or local authority with respect to such application.

(3) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant

PART IV. —*cont.*

any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired by them which they may deem it necessary or desirable to pull down.

(4) The Corporation shall not erect or dispose of any industrial building under the powers of subsection (1) of this section or grant any building lease in respect of any industrial building under the powers of subsection (3) of this section without the consent of the Board of Trade.

(5) The Corporation in selling or disposing of such lands may attach to the same and may convey or lease the same subject to any conditions and restrictions as to the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(6) The Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any of the lands to which this section applies at a price or rent or for a consideration of a value less than the current market value of such lands but a purchaser or lessee shall not be concerned to enquire whether the consent of the Minister is necessary or has been obtained.

24 & 25 Geo. 5. c. 28.

(7) Nothing in this section shall authorise any contravention of section 27 of the Gas Undertakings Act 1934.

(8) Nothing in this section shall be taken to dispense with the necessity for obtaining the approval of the Minister of the Minister of Education (as the case may be) to any alienation sale lease appropriation or other disposition of any lands acquired under any general Act for which such approval would be required but for the provisions of this section.

Power to Corporation to advance money for erection of buildings.

33.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired from or leased by them for the purpose of enabling or assisting him to erect buildings on such lands provided that any advance shall not exceed nine-tenths of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the lands with the intended buildings erected thereon.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 of the Housing Act 1935 and section 6 of the Building Materials and Housing Act 1945 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and the purchaser or lessee.

25 & 26 Geo. 5. c. 40.
9 & 10 Geo. 6. c. 20.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year as may be agreed between the said purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's written notice and on paying all sums then due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the instrument hereinafter referred to) or a multiple of one hundred pounds (or such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will be reduced where a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the building in respect of the erection of which the advance is made and of the land upon which such building is to be erected or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce the receipt for the premium paid in respect of such insurance to the Corporation when required by them and to keep the building in good repair.

(6) The Corporation shall have power to enter the building in respect of the erection of which any advance is made by them by any person authorised by them in writing for the purpose at all reasonable times for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the building in respect of the erection of which such advance is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

PART IV. —*cont.*

(8) No advance shall be made under subsection (1) of thi section in respect of any industrial building nor shall per mission be granted for the transfer of an interest in any in dustrial building under subsection (7) of this section withou the consent of the Board of Trade.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

Stopping up and diversion of highways.

34.—(1) Subject to the provisions of this section a court o summary jurisdiction if satisfied on the application of th Corporation that a highway within the borough is unnecessar may by order authorise the stopping up thereof and if s satisfied that a highway within the borough can be diverte so as to make it nearer or more commodious to the publi may by order authorise it to be so diverted.

(2) Any such application or order may be made with res pect to any length of a highway and in the subsequent pro visions of this section any reference to a highway shall b construed as a reference to that length thereof to which th application or order relates.

(3) No order shall be made under subsection (1) of thi section unless the court is satisfied that notice of the intentio to make the application specifying the time and place at whic it is to be made and the order which will be asked for an embodying a plan showing what will be the effect of the orde asked for—

(*a*) has at least twenty-eight days before the date o which the application is made been served on th owners or reputed owners and the occupiers of a land abutting on the highway and (when the appli cation relates to a classified road as defined in th Local Government Act 1929) on the Minister o Transport; and

19 & 20 Geo. 5. c. 17.

(*b*) has during at least twenty-eight days been exhibite in such manner and in such positions on or near th highway as are reasonably sufficient for notifyin persons using the highway of the application;

and that a similar notice (except that there may be subst tuted for the plan a statement of the place where such a pla can be inspected at all reasonable hours without payment has been inserted once at least in each of four successive week in a local newspaper circulating in the borough.

A notice which is required by this subsection to be serve and which is sent by post shall be sent by registered post.

PART V, —*cont.*

(4) On the hearing of such an application the Corporation and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard and an appeal against the decision of the court may be brought to quarter sessions either by the Corporation or by any such person as aforesaid who was or claimed to be heard by the court.

(5) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions— 42 & 43 Vict. c. 49. 23 & 24 Geo. 5. c. 38.

(*a*) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order;

(*b*) in a case where more than two persons were heard or claimed to be heard in opposition to an application under this section it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk to the court of summary jurisdiction but any of those persons whether served with such a notice or not may appear at quarter sessions as respondents to the appeal;

(*c*) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a re-hearing.

(6) Every order made under this section shall have annexed thereto a plan signed by the chairman of the court and shall be binding on all persons whatsoever.

(7) Provided that—

(i) nothing in this section shall authorise the diversion over any land of any highway unless the written consent of every person having a legal interest in that land is produced to and deposited with the court; and

(ii) an order under this section authorising the diversion of a highway shall not authorise the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace of the county palatine of Lancaster.

(8) Where an order is made by a court of summary jurisdiction under this section authorising the stopping up or diver-

PART V. —*cont.*

sion of a highway the clerk of the court shall forthwith transmit the order to the said clerk of the peace together if the order be for diverting a highway with the written consents produced to the court and the said clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (7) of this section among the records of quarter sessions.

(9) Where any highway is diverted in accordance with an order made under this section the substituted highway shall be repairable by the person (if any) by whom the original highway was repairable:

Provided that the owner of any land shall not be required to maintain so much of a highway as is diverted from his land.

(10) Any application or order under this section—

(*a*) may include two or more highways which are connected with each other;

(*b*) may relate to the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle-way or footway.

(11) The Corporation and the owner of or other person interested in any land affected by the exercise of the powers of this section may enter into and fulfil agreements relative thereto and to the payment of any expenses incurred by the Corporation in or in consequence of the exercise of those provisions.

(12) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

Rounding of corners at street junctions.

7 Edw. 7. c. 53.

35. The powers conferred upon the Corporation by section 17 of the Public Health Acts Amendment Act, 1907 to vary the intended position of a new street so far as necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions of that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall for the purposes of safety be splayed off and the kerb line of the street shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius as may be determined by the Corporation.

PART V. —*cont.*

For protection of Postmaster-General.

36.—(1) Where any highway or portion of a highway is stopped up in pursuance of an order made under the section of this Act of which the marginal note is " Stopping up and diversion of highways " the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or portion of a highway at the time of such stopping up:—

(*a*) The power of the Postmaster-General to remove the line shall be exerciseable notwithstanding the stopping up of the highway or portion of the highway so however that the said power shall not be exerciseable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be;

(*b*) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

(*c*) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;

(*d*) Where under paragraph (*b*) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1943 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of any highway has been stopped up the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in

PART V. —*cont.*

subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) If in relation to the works authorised by the section of this Act of which the marginal note is "Rounding of corners at street junctions" the Corporation require an alteration either temporarily or permanently in any telegraphic line belonging to or used by the Postmaster-General the enactments numbered (1) to (8) in section 7 of the Telegraph Act 1878 shall apply with respect to such alteration.

(4) If in consequence of the exercise or intended exercise by the Corporation of any of the powers conferred on them by the last-mentioned section of this Act the Postmaster-General considers it necessary or expedient that an alteration should be made in any telegraphic line belonging to or used by him and placed in any highway affected by the exercise or intended exercise by the Corporation of any of the said powers the Postmaster-General may himself make such alteration in such telegraphic line as he deems necessary or expedient and the Corporation shall pay to the Postmaster-General all the expenses incurred by him in respect of such alteration and the amount of any loss or damage sustained by him in consequence thereof:

Provided that—

(*a*) before making such alteration the Postmaster-General shall give a notice to the Corporation containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make;

(*b*) the Corporation may within fourteen days of the receipt of the notice give to the Postmaster-General a notice objecting to the alteration on the ground that it is unnecessary or unreasonable and thereupon a difference shall be deemed to have arisen and sections 4 and 5 of the Telegraph Act 1878 shall apply accordingly and the tribunal by which the difference is determined may make such order as it thinks just as to the alteration (if any) to be made in the telegraphic line and as to the manner in which the proposed work of the Corporation is to be carried out.

(5) Expressions in this section have the same meaning as in the Telegraph Act 1878.

Provision for intersecting streets.

37.—(1) On the approval of any plan for a new street or new streets submitted to the Corporation under any byelaw or enactment for the time being in force the Corporation may

require provision for such intersecting streets as may be reasonably required. PART V. —*cont.*

(2) The expression " intersecting street " in subsection (1) of this section means a side or cross street forming a junction with another street.

(3) Any person who fails to comply with any requirement of the Corporation under subsection (1) of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Adjustment of boundaries of streets.

38.—(1) The Corporation may enter into and carry into effect agreements with persons having a legal interest in lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give land including land forming part of the street in exchange for other land For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section:

Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and during such period of one month any four inhabitant householders of the borough by themselves or their agent may appeal to a court of summary jurisdiction against the proposals and subsections (2) to (7) of the section of this Act of which the marginal note is " As to appeals " shall apply to any such appeal as if the proposals were a decision of the Corporation.

(2) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street:

Provided that if the Corporation or any person in whom such site is vested desires that such telegraphic line should be altered the enactments of section 7 of the Telegraph Act 1878 shall thereupon apply in all respects as though the Corporation or the said person (as the case may be) were undertakers within the meaning of the said Act.

(3) Notwithstanding any agreement entered into under this section the Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines

PART V. —*cont.*

belonging to or used by them which shall remain in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement the Central Electricity Board deem it necessary to alter the position of any such electric lines they shall be at liberty so to do and the expense incurred by them in so doing shall be paid to them by the Corporation.

(4) Nothing in this section shall be taken to dispense with the consent of any government department to any appropriation exchange or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

Adjustment of boundaries of estates.

39.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid:

Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

Fencing of forecourts.

40.—(1) In any case in which the forecourt of any premises adjoining a street or any steps or projection placed in any such forecourt or any goods placed therein whether for sale or not is or are a source of danger obstruction or inconvenience to the public the Corporation may require the owner of the premises well and sufficiently to fence such forecourt from the street.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Direction signs.

41.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the classified road number of such street and the direction or the distance to towns railway stations public buildings and other places of a public character.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give to the owner of such house building or place notice of their decision so to do.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign otherwise than in the course of demolishing or altering the house or building shall be liable to a penalty

PART V. —*cont.*

not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1947 with respect to traffic signs and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

Development scheme may be required in connection with new streets.

42.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street the Corporation may require the applicant or the person giving such notice to furnish them with plans and particulars of the proposed development of any neighbouring land belonging to him the development of which is in their opinion likely substantially to affect or be affected by the determination of the site of the proposed street and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) If after receiving the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying-out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the land nor his successors in title shall carry out the development of such land in such a manner as to conflict substantially with such plans and particulars as approved.

(4) If any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(5) The owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

PART V. —*cont.*

Security for private street works.

43.—(1) In any case in which the Corporation shall have required plans and particulars of the proposed development of land to be furnished under the last preceding section the Corporation as a condition of their approval thereof may require the owner of the land upon which the new street is to be laid out to undertake to pay and to give security for the payment of any expenses which may be incurred by the Corporation in executing any private street works with respect to such street or any part thereof and such owner or his successors in title shall not lay out such street unless any undertaking and security required by the Corporation shall have been given.

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

Building line in new streets.

44.—(1) Every person who intends to lay out a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactment or byelaw with respect to streets and buildings from time to time in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called " the building line ") and the Corporation shall be deemed to have approved any building line unless within one month or (when the plan is submitted less than three clear days before a meeting of the council) five weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the one month or five weeks aforesaid without their approval nor without the approval of the Corporation beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

PART V. —*cont.*

51 & 52 Vict. c. 52.

(4) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation.

(5) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the byelaws with respect to streets and buildings in force within the borough or of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purposes of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

As to termination of new streets.

45.—(1) The Corporation may on the deposit of a plan and sections of a new street in pursuance of any byelaw in force in the borough by order prohibit the erection or retention on land belonging to the owner of the land upon which such new street is proposed to be constructed or laid out of any wall or fence at either end of such new street in order to secure means of communication between such new street and any other street or intended street or for the purpose of securing an adequate opening at either end of the new street:

Provided that such prohibition shall not become operative until the streets on both sides of such wall or fence shall become highways repairable by the inhabitants at large.

(2) If any person acts in contravention of any order made by the Corporation under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART V. —*cont.*

As to evasion by owners of private street works expenses. 55 & 56 Vict. c. 57.

46. If—

(i) any owner of land fronting adjoining or abutting on a street within the meaning of section 5 of the Private Street Works Act 1892 and situate in the borough conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and

(ii) any expenses of works executed by the Corporation under the said Act of 1892 in or in relation to that street are apportioned on such part or portion of that land; and

(iii) the Corporation are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and

(iv) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the said Act of 1892;

then such expenses or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from that owner in the same manner as expenses of the execution of works under the said Act of 1892 may be recovered as though he had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

As to urgent repairs of private streets.

47. Where in the opinion of the Corporation repairs the cost of which will not exceed twenty pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect any statutory provisions for the time being in force relating to private street works and private improvement expenses or similar matters or of section 19 of the Public Health Acts Amendment Act 1907.

Planting of trees in private streets.

48. The Corporation when carrying out any private street works in any street may with the consent in writing of a majority in number and rateable value of the owners of houses and land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards

PART V. —*cont.*

or fences and otherwise do everything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Corporation under this section shall be deemed part of the expenses of carrying out the private street works in any such street:

Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street:

Provided also that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the Corporation shall be deemed to be the undertakers.

Apportionment of expenses of private street works where part of frontage premises has been transferred.

49. Where the Corporation resolve with respect to any street or part of a street to do any private street works under the Private Street Works Act 1892 and at any time between the date of the passing of such resolution and the date at which such works are completed any part of any premises which at the date of the passing of such resolution could lawfully if such works had then already been completed be included among the premises to be charged in manner provided by the said Act with a proportion or sum in respect of the expenses of executing such works has been conveyed or transferred then the whole of such premises may notwithstanding such conveyance or transfer be included in any apportionment (whether provisional or final) of the expenses of executing such works and the due proportion or sum chargeable in respect of such expenses against the whole of such premises shall in such apportionment be calculated as if such premises had remained wholly in the same ownership as at the date of such resolution but the amount of the proportion or sum so calculated shall in the final apportionment be divided between and shall become charged accordingly upon the part of such premises which has been conveyed or transferred as aforesaid and the remainder of such premises respectively in such shares as the Corporation may determine to be fair having regard to all the circumstances.

As to erection of hoardings &c. at street corners.

50.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall or fence shall give notice of his intention

PART V. —*cont.*

so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall or fence proposed so to be placed or erected.

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit.

If within one month of the receipt of the said notice or (if the notice is submitted less than three clear days before a meeting of the Council) within five weeks of such receipt the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding wall or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding wall or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

(5) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925 or by section 1 or section 2 of the Restriction of Ribbon Development Act 1935. 15 & 16 Geo. 5. c. 68. 25 & 26 Geo. 5. c. 47.

As to hoardings and similar structures.

51.—(1) (*a*) No wall fence hoarding or other similar structure (in this section referred to as " structure ") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street shall be erected or brought forward on any land in any street—

(i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or

(ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 140 of the Housing Act 1936; or 26 Geo. 5. & 1 Edw. 8. c. 51.

PART V. —*cont.*

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(*b*) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2) (*a*) The Corporation may by notice require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(*b*) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

(4) The provisions of this section shall not apply to any wall erected on land belonging to a railway company so long as such land is used by the railway company primarily for railway purposes.

Restrictions on rights of breaking up streets.

52.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the borough either absolutely or to the extent of one-third or more of the width of the carriageway

PART V. —*cont.*

thereof the Corporation shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street then when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed:

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Corporation to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to arbitration the arbitrator unless otherwise agreed being appointed by the President of the Institution of Civil Engineers.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any street in case of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing extending enlarging or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with gas In this subsection the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899. 62 & 63 Vict. c. 19.

Height of chimneys.

53.—(1) Every chimney erected in the borough after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes

PART V. —*cont.*

shall within such time as may be specified in that behalf in a notice in writing given by the Corporation to the owner of such chimney be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably require having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Corporation may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement:

Provided that before exercising the powers conferred by this section in relation to any chimney situated within one mile of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating that Act the Corporation shall obtain the consent of the Minister of Civil Aviation.

10 & 11 Geo. 5. c. 80.

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

Power to order alteration of chimneys.

54. It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation in pursuance of a report by the medical officer or the sanitary inspector that any smoke gas or vapour from any chimney flue or pipe of a washhouse or outbuilding forming part of or in proximity to a dwelling-house in the borough is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney flue or pipe within such time as shall be specified in such order to cause the same to be raised or such other means for preventing or mitigating such nuisance to be adopted as may seem fitting to such court and as shall not involve an expenditure exceeding twenty pounds and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Byelaws as to alteration of streets.

55. The Corporation may make byelaws to prevent streets which have been laid out or constructed in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so laid out or constructed they would have contravened the byelaws.

Maintenance of footpaths &c.

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

PART V. —*cont.*

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

Demolition of buildings.

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

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

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

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

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

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

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

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

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

(6) Nothing in this section shall apply in relation to—

(*a*) any poultry-house greenhouse coal shed or cycle shed or other similar structure; or

(*b*) any building belonging to any statutory undertakers and held by them for the purposes of their undertaking:

PART V. —*cont.*

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

As to neglected sites.

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

(2) A court of summary jurisdiction on complaint by the Corporation may order the owner of any neglected site to remove any rubbish resulting from the demolition of the building within a reasonable time to be fixed by the order.

(3) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected site and execute the order.

(4) All expenses incurred by the Corporation under subsection (3) of this section in relation to a neglected site may be recovered by the Corporation from the owner of the neglected site.

Prohibition on use of unsuitable land for erection of dwelling-houses.

59.—(1) The Corporation may by order prohibit or restrict—

(*a*) the erection of buildings intended or adapted for use as dwelling-houses on any land which in their opinion is liable to flooding; or

(*b*) the erection of dwelling-houses on land which in their opinion would by reason of the nature of the subsoil involve danger or injury to health.

(2) Before any order made under this section shall come into force the Corporation shall submit the order to the Minister for his approval and shall give notice of the proposals of the order to the owner of any land affected by the order and by advertisement in a local newspaper circulating in the borough and in the London Gazette and in such other manner (if any) as the Minister may direct.

The said notice shall name a place where copies of the order can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the order may make representations thereon to the Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(3) The Minister shall consider any order submitted to him by the Corporation and any representations thereon

PART V. —*cont.*

which may be duly made and may approve the order submitted to him with or without modifications or may disapprove the order.

(4) Before approving any such order the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed order by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The order shall take effect as approved by the Minister and shall come into force on a date to be fixed by him.

(7) The Corporation shall give notice of the provisions of any order approved by the Minister under this section by advertisement in a local newspaper circulating in the borough and otherwise in such manner as may be directed by the Minister.

(8) Any person who commits any breach of any order which has come into force under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(9) If at any time it appears to the Corporation that by reason of the execution of works of drainage or for any other reason an order made under this section may properly be revoked in whole or in part or any conditions imposed by such an order may properly be relaxed the Corporation may by order revoke the original order in whole or in part or relax any conditions imposed thereby.

The Corporation if requested by the owner of any land affected shall take into consideration the question of making an order under this subsection and if any difference arises between the Corporation and an owner as to whether the original order ought to be revoked in whole or in part or whether the conditions thereof ought to be relaxed and if so to what extent that difference may be referred by either party to the Minister and the Minister whose decision shall be final may make any order in the matter which the Corporation might have made:

No building allowed until street defined.

60.—(1) Where plans and sections of a new street have been deposited with and approved by the Corporation no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some

PART V. —*cont.*

other suitable manner the approved line width and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for any person except with such consent to erect the building or any fence nearer to the centre of the street than the posts or other marks by which the width of the street has been defined.

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

No buildings to be erected until street formed.

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

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

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

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

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

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

PART V. —*cont.*

Means of access to buildings.

62.—(1) At any time within one month after the deposit of the plans of any new building intended or adapted for use as a dwelling-house (or where such plans have been approved but the erection of the building has not been begun before the passing of this Act at any time before the erection thereof has been commenced) the Corporation may by notice in writing require the provision either before the building is erected or before it is sold let or occupied (as the Corporation shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws or other provisions for the time being in force with respect to new streets.

(2) If it appears to the Corporation to be necessary that the means of communication to be provided under this section shall be in the form of a street the Corporation may by their notice require a new street to be laid out and if the construction of such means of communication appears to them necessary they may by their notice require constructional work in connection with such means of communication not exceeding that required for a new street by the byelaws or other provisions in force with respect to the construction of new streets.

(3) Where notice of a requirement under this section has been given by the Corporation to any person such person shall not begin to erect or proceed with the erection of any building to which the notice relates nor sell let or occupy such building (as the notice shall specify) until the notice of the Corporation has been complied with or until security has been given to the satisfaction of the Corporation that the notice will be complied with.

(4) 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 five pounds.

Amendment of section 17 of Public Health Acts Amendment Act 1907.

63. Section 17 of the Public Health Acts Amendment Act 1907 shall in its application to the borough be read and have effect as if subsection (2) of the said section were omitted therefrom.

Elevation of buildings erected on front lands to require approval.

64.—(1) Where by reason of any improvement made by the Corporation in the borough any land shall become land which adjoins or abuts on any street the following provisions shall apply:—

(i) If the owner lessee or occupier of any such land shall construct—

(*a*) any door or entrance in an existing building communicating with that street; or

PART V. —*cont.*

(*b*) any wall or fence by the side of that street;

he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation;

(ii) If the Corporation within five weeks after particulars of position and elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the position and elevations.

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

(3) The Corporation shall make compensation to the owner of any land for any loss or damage he may suffer by reason of the setting back or bringing forward of any wall or fence under the provisions of this section.

(4) This section shall not apply to any street which for the time being is subject to restrictions under the Restriction of Ribbon Development Act 1935.

Food storage accommodation.

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

(2) Every existing house and every house the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with sufficient and suitable accommodation for the storage of food and any owner who shall occupy or allow to be occupied any such house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation 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.

(3) For the purposes of this section the expression " house " includes any part of a building which is occupied or intended to be occupied as a separate dwelling and the conversion of a building into two or more separate dwellings shall be deemed to be the erection of a house.

PART V. —*cont.*

Provision as to forecourts.

66.—(1) If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period (not being less than seven days) as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Window blinds &c.

67.—(1) Any person erecting setting up or placing any blind shade covering or awning over any footway shall so erect set up or place the same that no part thereof shall project over any part of the footway which is less than one foot six inches from the outer edge of the kerb of such footway.

(2) Every such blind shade covering or awning shall be constructed and maintained so as to secure in accordance with the requirements of the Corporation the safety and convenience of the public.

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

Power to place fences near school entrances &c.

68. For the purpose of preventing danger to pedestrians from traffic the Corporation may as respects roads (not being highways repairable by the inhabitants at large) adjacent to the entrances to or exits from any schools public baths public parks recreation grounds playing fields alleyways and passageways exercise the like powers of placing fences rails and posts on the sides of any footways or carriageways of such roads as under section 149 of the Public Health Act 1875 are exerciseable by them as respects roads so repairable and the Corporation may from time to time repair renew maintain or remove any fences rails or posts so placed by them.

Power to lay out grass margins &c. in streets.

69. The Corporation may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Corporation may maintain in good order any grass margins trees gardens guards and fences in any such street and alter or renew the same and may add to the carriageway or footway of any such street any part of such grass

PART V. —*cont.*

margins parts planted with trees or parts laid out as gardens as aforesaid and may alter or re-arrange the parts of any street laid out as carriageway or footway respectively:

Provided always that nothing in this section contained shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street:

Provided further that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by Act of Parliament and the Corporation shall be deemed to be the undertakers.

Prohibition of persons vehicles &c. on grass margins.

70.—(1) In so far as the Corporation may indicate by notices conspicuously placed on or in proximity to any grass or other area which is situate in or forms part of or adjoins any street and is mown or maintained by the Corporation in an ornamental condition that such area is not intended for use by foot passengers horses cattle or vehicles any person who shall wilfully walk or otherwise proceed or lead ride or drive any horse cattle or vehicle on over or across any such area shall be liable to a penalty not exceeding twenty shillings.

20 & 21 Geo. 5. c 43.

(2) Nothing contained in this section shall affect the duty of the Corporation under section 58 of the Road Traffic Act 1930.

Power to provide tubs for trees &c.

71. The Corporation may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants:

Provided that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

As to erection of retaining walls.

72.—(1) Before any person shall erect on any land within the borough a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair

PART V. —*cont.*

shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter be acquired by a railway company or to any retaining wall erected thereon.

Erection of buildings to greater height than adjoining building.

73.—(1) In case any building within the borough is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if required by the Corporation and if it is reasonably practicable at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

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

Powers of inspection.

74.—(1) In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works.

(2) Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Provisions as to moveable dwellings.

75.—(1) Any moveable dwelling standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Corporation to place any moveable dwelling so as to stand upon any square court alley or passage to which the public have access.

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

PART V. —*cont.*

Further provisions as to working-class houses.

76.—(1) For the purposes of Part II of the Housing Act 1936 any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with oil-bound water paint of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Corporation under the said Part II shall apply in respect of such dwelling-house accordingly.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Corporation have served notice under section 9 of the Housing Act 1936 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

(*a*) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;

(*b*) the period for which the dwelling-house is likely to continue occupied;

(*c*) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house;

(*d*) whether the condition of the dwelling-house is or is not due to the wilful default or neglect of the tenant.

Apportionment to frontagers of expenses of sewer constructed under public highway.

77.—(1) Where the Corporation resolve to construct a sewer in a street or part of a street within the borough repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act of which the marginal note is " Provisions applicable to the last two preceding sections " the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum authorised by the last-mentioned section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

(2) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the borough but shall become operative as from the date of such publication.

PART V. —*cont.*

Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Apportionment to frontagers of expenses of construction of sewer before land became a street.

78.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in land within the borough and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the next succeeding section the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of the land belonging to such owner having been enhanced by the construction of the length of sewer this section shall not apply to the length of sewer or to such part thereof as was constructed in such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Provisions applicable to the last two preceding sections.

79.—(1) The sum apportionable under either of the two last preceding sections of this Act shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

(2) As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice in writing of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

PART V. —*cont.*

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant by also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of the street of the site of and the land occupied with the new building:

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

(*a*) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;

(*b*) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building:

Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated.

15 & 16 Geo. 5. c. 22.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

(7) Where such a resolution as is mentioned in the section of this Act of which the marginal note is " Apportionment to frontagers of expenses of sewer constructed under public highway " has been passed but the construction of the sewer to which it relates has not been completed within two years

from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Corporation or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may where the amount recoverable does not exceed twenty pounds be recovered summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein and the following provisions of the Act of 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto:—

Subsections (2) to (4) of section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);

Subsection (2) of section 293 (Recovery of expenses &c.); and

Section 329 (Saving for certain provisions of the Land Charges Act 1925).

As to evasion by owners of sewerage expenses.

80. If on a complaint by the Corporation to a court of summary jurisdiction it is proved to the satisfaction of the court—

(i) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land; and

(ii) that by reason of such disposition any part of the land has ceased to be or has not become land fronting adjoining or abutting on a street within the meaning of the section of this Act of which the marginal note is " Apportionment to frontagers of expenses of

PART V. —*cont.*

sewer constructed under public highway " or as the case may be of the section of this Act of which the marginal note is " Apportionment to frontagers of expenses of construction of sewer before land became a street "; and

(iii) that the disposal of such portion of the land was effected with the intention and for the purpose of the evasion of the payment of expenses under the sections in question;

then the court shall order that such expenses shall be apportioned on the land which immediately before the date of such conveyance sale lease or disposal included the land so conveyed sold leased or disposed of and thereafter such expenses may be recovered from the owner of any part of that land on which a new building within the meaning of the last preceding section of this Act is erected and shall be a charge on any such part of that land and on all estates and interests therein to the same extent and in the same manner as any sum apportioned under either of the said sections of this Act of which the marginal notes are " Apportionment to frontagers of expenses of sewer constructed under public highway " and " Apportionment to frontagers of expenses of construction of sewer before land became a street " may be recovered and is charged on the premises under the said last preceding section of this Act.

Recovery of cost of maintaining sewers.

81. Section 24 of the Act of 1936 shall within the borough have effect as if the following were substituted for the proviso to subsection (1) of that section:—

" Provided that unless in the opinion of the medical officer of health or any sanitary inspector immediate action is necessary notice of the work proposed to be undertaken shall be given to the owners of any premises known by the local authority to be served by the length of sewer in question not less than seven days before the work is commenced and the local authority shall consider any representations as to the need for and reasonableness of the proposed work which may be made to them by any of those owners within seven days of the service of the notice."

Abandoned drains to be filled up.

82.—(1) Where any person shall reconstruct or lay in a new position or permanently discontinue the use of any drain which communicates with any sewer or other drain such person shall cause any drain or portion of drain thereby rendered unnecessary to be cut off and sealed at each end of the drain or portion of drain so discontinued or rendered unnecessary.

PART V. —*cont.*

(2) Such portion of discontinued or unnecessary drain shall if reasonably required by the Corporation having regard to the circumstances of the case be taken up destroyed or filled in with concrete or in such other manner as may be specified by the Corporation in any such requirement.

(3) Any person who contravenes the provisions or fails to comply with the requirements of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

As to defective drains &c.

83.—(1) In any case where it appears to the medical officer or the sanitary inspector that any drain water-closet or soil-pipe within the borough is stopped up the medical officer or the sanitary inspector shall give notice to the owner or occupier of the premises to remedy the defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy the defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier.

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation 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 expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

(3) The provisions of this section shall not apply to any building (not being a dwelling-house or office) railway or works constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired by any such company with the authority of Parliament so long as any such building work or land is used or held by such company primarily for purposes of their undertaking.

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

84. The powers of section 48 of the Act of 1936 may be exercised in pursuance of any general or special directions given by the Corporation in any case where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance or that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water.

PART V. —*cont.*

Cleansing of sinks and gullies.

85. The Corporation at the request of the owner or occupier of any premises in the borough may undertake the cleansing of any water-closets drains sinks or gullies in or connected with such premises for such remuneration as may be determined by the Corporation and the amount thereof shall be recoverable from the person by or on behalf of whom the request is made.

As to provision of external doors.

86. The power of the Corporation to make byelaws under paragraph (i) of subsection (1) of section 61 of the Act of 1936 shall extend to enable the Corporation to make byelaws requiring a building the erection of which is commenced after the passing of this Act to be provided with at least two doors in the external walls of the building.

Byelaws as to the burning of refuse.

87. Section 82 of the Act of 1936 in its application to the borough shall be extended so as to empower the Corporation to make byelaws prescribing the times and the days of the week during which trade refuse may be set fire to or burned in yards and gardens.

Byelaws as to throwing slop water into street gullies.

88. Section 81 of the Act of 1936 shall extend to empower the Corporation to make byelaws for preventing slop water from any house or premises from being discharged or thrown or suffered to be discharged or thrown or to pass into any street gully in the borough.

For protection of London Midland and Scottish Railway Company.

89. The provisions of the sections of this Act of which the respective marginal notes are—

"Fencing of forecourts";

"Height of chimneys";

"Elevation of buildings erected on front lands to require approval";

"Provision as to forecourts";

shall not extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to the London Midland and Scottish Railway Company in the exercise of their statutory powers or to any land held or acquired or which may hereafter be held or acquired by that company with the authority of Parliament so long as any such building railway work or land is used or held by such company primarily for railway purposes.

PART VI.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Information to be furnished in case of notifiable disease.

90.—(1) The occupier of any building within the borough which is used for human habitation and in which there is or has been any person suffering from a notifiable disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the existence of such illness furnish such information within his knowledge as the 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 to a penalty not exceeding forty shillings.

Compensation to persons for ceasing employment to prevent spread of disease.

91. If any person at the request of the Corporation or the medical officer stop his employment for the purpose of preventing the spread of a notifiable disease the Corporation may make compensation to him for any loss occasioned by reason of such stoppage.

Removal of infirm and diseased persons in certain cases.

92.—(1) If the medical officer certifies in writing—

(*a*) that any person in the borough (in this section referred to as "the patient")—

(i) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(ii) is suffering from any grave chronic disease; and

(*b*) that the patient is unable to devote to himself or to receive from persons with whom he resides proper care and attention; and

(*c*) that thorough inquiry and consideration have shown the necessity in the interest of the health of the patient or for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing;

the medical officer may make application under this section to a court of summary jurisdiction.

(2) On any such application the court upon oral proof of the allegations in the certificate and subject (if they think fit) to examination of the patient by a registered medical

PART VI. —*cont.*

practitioner nominated by the court may make an order fo the removal of the patient to a suitable institution and fo his detention and maintenance therein so long as the orde remains in force.

(3) Where an order is for the time being in force for the detention and maintenance of the patient in a suitable institution a court of summary jurisdiction acting for the same place as the court which made the order may on the application of the medical officer make a further order for the transfer of the patient to another suitable institution and for his detention and maintenance therein so long as the further order remains in force.

(4) An order made under the foregoing provisions of this section shall unless rescinded under the next following subsection remain in force for such period not exceeding three months as may be determined by the order or such further period or periods each not exceeding three months as may be determined by a further order or orders made on the application of the medical officer by a court of summary jurisdiction acting for the same place as the court which made the original order:

Provided that no such further order shall be made unless the court are satisfied by the certificate of the medical officer of the institution in which the patient is for the time being detained and such further evidence if any as the court may require that the conditions which led to the making of the original order continue or would recur if the patient were no longer detained.

(5) At any time after the making of an order under subsection (2) or (3) of this section an application for the rescission of the order may be made by or on behalf of the patient to a court of summary jurisdiction acting for the same place as the court which made the order and the court may rescind the order accordingly if having regard to the circumstances of the case they are of the opinion that it is right and proper that it should be rescinded.

(6) No application shall be made under this section unless not less than three clear days' notice of intention to make the application and of the time and place when and where the application will be made has—

(*a*) in the case of an application under the last foregoing subsection been given by the patient or other person making the application to the medical officer; and

(*b*) in the case of any other application been given by the medical officer to the patient or to some person being in charge or formerly in charge of the patient.

PART VI. —*cont.*

(7) An order under this section may be addressed to such officer of the Corporation as the court making the order may think expedient and any person who wilfully disobeys or obstructs the execution of the order shall be liable to a penalty not exceeding ten pounds.

(8) The cost of the removal or transfer of the patient to or from a suitable institution and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which the patient is so detained the Corporation may and if so required by the court shall make towards the maintenance of the dependants of the patient such contributions as the Corporation think fit or as may be directed by the court as the case may be:

Provided that—

(*a*) where the institution to which the patient is to be removed is a public assistance institution the authority to which the institution belongs may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the patient and his dependants as may be agreed between that authority and the Corporation; and

(*b*) nothing in this section shall apply to the cost of maintenance of the patient in a hospital vested in the Minister under the National Health Service Act 1946. 9 & 10 Geo. 6. c. 81.

(9) The Corporation shall recover from the patient or from any person legally liable to maintain him or from the patient's estate if he has died any expenses incurred by them under subsection (8) of this section or if the Corporation are satisfied that the persons from whom the expenses are under this subsection recoverable cannot reasonably having regard to their financial circumstances be required to pay the whole of such expenses such part thereof if any as those persons are in the opinion of the Corporation able to pay.

(10) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the council so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under this section for the removal of any person to a suitable institution without the consent in writing of the authority or body having the control thereof and such consent may be given subject to such conditions as may be agreed.

PART VI. —*cont.*

(11) In this section the expression " suitable institution " means a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough.

Entry into premises in case of disease.

93.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a notifiable disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease:

Provided that the medical officer shall not under the powers of this section—

(*a*) enter any premises except between the hours of seven in the morning and ten in the evening; or

(*b*) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) Any person who obstructs the medical officer in the exercise of his power under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

Restrictions on attendance at schools and places of assembly.

94.—(1) As from the commencement of this section no person of or exceeding the age of sixteen years who has the custody charge or care of a child—

(*a*) who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of a disease to which this section applies; or

(*b*) who is suffering from a disease to which this section applies; or

(*c*) who with the view of preventing the spread of a disease to which this section applies has been prohibited from attending school by the medical officer or school medical officer;

shall permit such child to attend any Sunday school or day school or place of public entertainment or assembly without having procured from the medical officer or school medical officer or the medical practitioner attending the child 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 day school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) The diseases to which this section applies are notifiable diseases as defined by section 343 of the Act of 1936 and any other disease which the Minister by regulation made under section 143 of the Act of 1936 declares to be a notifiable disease for the purpose of this section.

(3) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

(4) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Power to close schools and exclude children from entertainments.

95.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of a disease to which this section applies require the closing of any Sunday school or day school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any Sunday school or day school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

(3) The diseases to which this section applies are notifiable diseases as defined by section 343 of the Act of 1936 and any other disease which the Minister by regulation made under section 143 of the Act of 1936 declares to be a notifiable disease for the purpose of this section.

(4) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

Discontinuance of offensive trade.

96.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 107 of the Act of 1936 and the Corporation by resolution decide that it is inexpedient in the interests of public

PART VI. —*cont.*

health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the Corporation may serve on the owner or occupier of such premises notice in writing stating the effect of the resolution and requiring him before the expiration of six months from the date of the notice to cease to use such premises for the carrying on of such offensive trade.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under 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 Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation:

Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation 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 any other powers of the Corporation with reference to offensive trades.

Notice of slaughter of animal unfit for food.

97.—(1) As from the commencement of this section where any person being the owner of any bull ox cow heifer calf sheep lamb goat or pig which is emaciated or diseased and unfit for food is about to slaughter the same or about to cause the same to be slaughtered he shall give not less than twelve hours' previous notice to an authorised officer of such intention and shall on the application of an authorised officer within six weeks from the date of such slaughter furnish such information within his knowledge as such authorised officer may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcases or any part thereof.

(2) Any person failing to give such notice or refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding ten pounds.

(3) This section shall not apply to the slaughter of any animal to which the Public Health (Meat) Regulations 1924 apply.

PART VI. —*cont.*
1 Edw. 8. & 1 Geo. 6. c. 70.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 or of Part IV of the Agriculture Act 1937 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

(5) In this section the expression "authorised officer" means (*a*) the medical officer (*b*) the sanitary inspector or (*c*) any other officer of the Corporation who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act.

Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

98.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the borough in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

(3) If any such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

Byelaws as to stables.

99. The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable used for the accommodation of horses (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions (*a*) in or about or arising out of any such stable or (*b*) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

PART VI. —*cont.*

Byelaws relating to common lodging-houses.

100. Section 240 of the Act of 1936 shall operate so as to include the making by the Corporation of byelaws for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any byelaws applicable thereto and of a placard setting forth the superficial area and the accommodation thereof.

Byelaws as to tipping refuse.

101.—(1) Section 81 of the Act of 1936 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

(2) The Corporation may by any byelaws made by them in pursuance of this section impose on offenders against the same such penalties as they think fit not exceeding the sum of fifty pounds for each offence and in the case of a continuing offence a daily penalty not exceeding ten pounds.

(3) Without prejudice to any other remedy available the Corporation if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Act of 1936 authorised to proceed with respect to a statutory nuisance of the existence of which they are satisfied and sections 93 to 98 inclusive and section 100 of that Act shall apply accordingly:

Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 94 of the Act of 1936 as applied by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a further penalty under the byelaws for continuance of his offence after conviction and to a penalty under section 95 of the Act of 1936 (as so applied) for failing to comply with an order or contravening an order.

(4) No byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by a railway or canal company for the purpose of constructing widening or maintaining any railway canal dock or wharf works or the tipping by the Preston Gas Company upon—

(*a*) any lands for the time being authorised to be used by that company for the manufacture or storage of gas or the working up or storage of residual products; or

(*b*) any other lands belonging to or occupied by that company at the date of the passing of this Act;

of dust spoil or refuse produced by or arising from the carrying on of their undertaking or to prohibit the use of any such lands for the said purpose. PART VI. —*cont.*

Prevention of smoke from industrial furnaces.

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

(2) Before any person shall instal in a building a furnace to which this section applies he shall submit in duplicate plans proposals and such other particulars as the Corporation may require of the proposed installation to the Corporation.

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

(4) Before serving a notice under this section stating that they are not satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke the Corporation shall consult with the Minister of Fuel and Power.

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

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

(7) Nothing in this section shall apply to any furnace installed in any building erected or to be erected on any lands for the time being authorised to be used by the Preston Gas Company for the manufacture or storage of gas or the working up or storage of residual products and used by that company for the purposes of their undertaking.

PART VI. —*cont.*

Prohibition on sale of verminous articles.

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

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

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

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

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

Cleansing of filthy or verminous premises.

104. Section 83 of the Act of 1936 shall within the borough have effect as if the following were substituted for subsection (1) of that section:—

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

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

(*b*) are verminous;

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

(i) by cleansing and disinfecting them;

(ii) by distempering or whitewashing the interior surface thereof or in the case of premises used for

human habitation or as shops or offices by papering or painting the said interior surface;

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

Power to require persons to vacate premises during fumigation.

105.—(1) If the Corporation take action under paragraph (*b*) of subsection (1) of section 83 of the Act of 1936 as amended by this Act in its application to the borough and in the opinion of the Corporation it is necessary to use gas to destroy vermin on the premises they may serve notices on the occupiers of premises in the fumigation area and the risk area as defined in the Hydrogen Cyanide (Fumigation of Buildings) Regulations in force for the time being requiring all persons to vacate those premises during such period as may be specified by the Corporation:

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

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

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

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

Noise nuisance.

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

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

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

PART VI. —*cont.*

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

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

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

Registration of hawkers of food and premises.

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

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

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

(2) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the owner or occupier or intending owner or occupier thereof.

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

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

Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name

PART VI. —*cont.*

such premises are registered a notice to appear before a committee of the Council not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises Any such notice shall state the effect of paragraphs (*b*) and (*c*) of this subsection.

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

(*c*) Any person appealing to a court of summary jurisdiction under the section of this Act of which the marginal note is " As to appeals " against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

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

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

(7) The provisions of this section shall not apply to any premises registered under section 14 of the Food and Drugs Act 1938 or to any dairy or dairyman registered under Part II of that Act or under any regulations made thereunder.

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

(9) In this section the expression " food " does not include any substance contained in containers of such materials and so closed as to exclude all risk of contamination.

Registration of hairdressers and barbers and premises.

108.—(1) As from the commencement of this section every person who shall within the borough carry on the trade or business of a hairdresser or barber shall register his name

PART VI. —*cont.*

and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Corporation for the purpose.

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

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

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

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

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

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

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

(5) Any person carrying on such trade or business as aforesaid whose name place of abode and premises in which such trade or business is carried on have not been registered in accordance with subsection (1) of this section or whose registration has been cancelled or suspended as hereinafter

provided or who contravenes any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and a court of summary jurisdiction may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration. PART VI. —*cont.*

PART VII.

MARKETS AND WEIGHING MACHINES.

Tolls in Corporation markets and slaughter-houses &c.

109.—(1) On and from the first day of April one thousand nine hundred and forty-eight the Corporation may demand and take the following tolls:—

(*a*) in respect of the corn market of the Corporation and of the stands therein tolls not exceeding the tolls set out in Part I of the Third Schedule to this Act;

(*b*) in respect of any cattle market under the management of the Corporation tolls not exceeding the tolls set out in Part II of the said schedule;

(*c*) in respect of any fair or of any market (other than those referred to in paragraphs (*a*) and (*b*) of this subsection) under the management of the Corporation tolls not exceeding the tolls set out in Part III of the said schedule;

(*d*) in respect of any slaughterhouse belonging to the Corporation tolls not exceeding the tolls set out in Part IV of the said schedule;

(*e*) for the weighing or measuring of any article at any weighing house or place provided by the Corporation for that purpose tolls not exceeding the tolls set out in Part V of the said schedule.

(2) If any person shall use the corn market of the Corporation or any stand therein for selling without first paying the proper fixed charge for the use of the said market or of a stand therein he shall for each offence be liable to a penalty not exceeding forty shillings.

(3) The Corporation may with the sanction of the Secretary of State from time to time alter or add to the tolls mentioned in the Third Schedule to this Act and any such altered tolls shall as from the date on which they come into operation be substituted for the corresponding tolls payable under the said schedule:

Provided that notice of the intention of the Corporation to apply to the Secretary of State for his sanction to any alteration of or addition to the tolls with respect to fairs shall be published in the London Gazette.

PART VII. —*cont.*

Leases of markets slaughter-houses tolls &c. and assignment of leases.

110. The Corporation may let any land which they may possess for the purposes of the markets undertaking or any slaughterhouse or fairground under the management of the Corporation and the tolls rents and stallages chargeable in connection therewith for any term with the consent of the Minister and without the consent of the Minister for a term not exceeding ten years.

Purchase of certain residuals &c. and disposal thereof.

111.—(1) The Corporation may purchase and acquire and convert utilise treat or otherwise make merchantable any condemned meat inedible offals blood and other residuals and by-products which may at any time be in any slaughterhouse or abattoir belonging to the Corporation.

(2) Any product manufactured or obtained under the powers of this section may be sold or otherwise disposed of by the Corporation.

Names of weighing machine keepers to be written on premises.

112. Every person keeping a weighing machine shall cause his full name and the words "weighing machine keeper" to be painted in capital letters at least two inches high and proportionately broad on the outside of the front of the premises to which such weighing machine is attached and so that the same shall be plainly and distinctly visible and legible during all the time that he shall continue to keep such weighing machine and in default shall be liable to a penalty not exceeding five pounds.

Offences by weighing machine keepers and others.

113. Any person keeping or who acts as a keeper of a weighing machine who shall—

(*a*) during ordinary business hours (which expression for the purposes of this section means from eight o'clock in the morning till six o'clock in the afternoon on week-days other than Saturday and from eight o'clock in the morning till half-past twelve in the afternoon on Saturdays) wilfully neglect on application duly to weigh any vehicle with or without loading that shall come to the machine kept by him to be weighed;

(*b*) not fairly weigh any such vehicle with or without loading;

(*c*) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading;

(*d*) give to the driver of any such vehicle a false ticket or account of the weight of such vehicle or the loading thereof;

PART VII. —*cont.*

(*e*) weigh any vehicle knowing that anything had been added to the loading thereof so as to increase the weight of the same or that the wheels thereof had been changed between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein; or

(*f*) knowingly assist in or connive at any fraud to be committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively;

shall be liable to a penalty not exceeding five pounds:

Provided that paragraphs (*a*) and (*b*) of this section shall not impose upon a railway company an obligation to weigh any vehicle.

Byelaws as to form of weigh tickets.

114. The Corporation may make byelaws for prescribing the form of the tickets or accounts to be delivered by keepers of weighing machines to persons in charge of vehicles with or without loading bringing such vehicles to be weighed.

Drivers of vehicles to take them to weighing machines on request.

115.—(1) The driver of any vehicle loaded with any goods to be sold by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf the same shall be consigned or their respective agents or of an inspector of weights and measures or other officer appointed for the purpose by the Corporation take such vehicle with or without the loading thereof to be weighed by a weighing machine.

(2) If such vehicle shall be required to go a greater distance from the regular course of the road by which it would be otherwise necessary to pass than half a mile the owner of such vehicle shall be paid sixpence for every half-mile that such vehicle shall be taken out of the direct road as aforesaid.

(3) All such charges for carriage together with the tolls or fees to be paid for weighing any such vehicle shall be paid by the person requiring the same to be weighed and such charges for carriage shall if demanded be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid if demanded take the same to such weighing machine as hereinbefore is directed or shall refuse to assist in the weighing of the same in such manner as the drivers of vehicles are used and accustomed to do shall be liable to a penalty not exceeding five pounds.

PART VII. —*cont.*

(5) For the purposes of this section the word " driver " includes the owner driver or person in charge of any vehicle.

Penalties on persons committing frauds.

116. Any person who in regard to the weighing of any vehicle at any weighing machine—

(*a*) at or before the time of weighing any such vehicle places or knowingly leaves any matter or thing in or about the same other than the proper loading thereof;

(*b*) alters any ticket denoting the weight of any such vehicle or of the loading of the same;

(*c*) makes or uses or is privy to the making or using of any false or fraudulent ticket or knowingly tenders a false statement to a weighing machine keeper respecting the weight of any such vehicle or the loading thereof;

(*d*) after the weighing of such vehicle with the loading of the same removes any part of such loading and afterwards disposes or attempts to dispose of the residue of such loading as being the full loading denoted by such ticket;

(*e*) after the same and the loading thereof have been so weighed substitutes or attempts to substitute any vehicle with or without the loading thereof or to change the wheels thereof or places thereon lighter wheels or makes any alteration or does any other act to such vehicle before the same shall be brought back to the machine to be again weighed without the loading thereof;

(*f*) when any such vehicle shall have been weighed with the loading thereof at any such machine as aforesaid if required refuses to bring back the same without alteration to be again weighed at the same machine; or

(*g*) is guilty of any other fraud or fraudulent contrivance touching the weight of any such vehicle or of the loading thereof;

shall be liable to a penalty not exceeding five pounds.

Power to erect weighbridges.

117.—(1) The Corporation may erect and maintain on any open space or public place on or adjoining any highway in the borough such weighbridges or weighing machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

(2) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing machine.

PART VII. —*cont.*

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing machines erected by the Corporation under the provisions of this section.

(4) The Corporation shall not erect or allow the use of any such weighbridge weighing machine or offices so as to obstruct the access to or exit from any station or depot of a railway company.

PART VIII.

SALE OF COKE &C.

Application to sale of coke of Weights and Measures Act 1889. 52 & 53 Vict. c. 21.

118. The provisions of sections 20 to 29 inclusive of the Weights and Measures Act 1889 as amended by this Part of this Act and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the borough.

Penalty on fraudulent sale.

119. If any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded such seller or person in charge shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Requirements as to vehicles carrying coal or coke for sale or delivery on sale.

120. Every vehicle carrying coal or coke for sale or for delivery on sale shall have the seller's name and place of business together with the words " coal merchant " or " coke merchant ".as the case may require or words to the like effect clearly marked and visible on the front of such vehicle.

Amendment of section 27 of Weights and Measures Act 1889 in its application to borough.

121. Proviso (*a*) to section 27 of the Weights and Measures Act 1889 in its application to the borough shall be read and have effect as if in that proviso the words " one mile " were substituted for the words " half a mile."

As to sale of coal or coke otherwise than in sacks from a vehicle.

122.—(1) Any person selling or intending to sell or exposing for sale coal or coke from or on a vehicle otherwise than in sacks and not carrying on such vehicle a weighing instrument of a type approved by the Corporation stamped by an inspector of weights and measures shall sell at one time only the whole load of such coal or coke on such vehicle and shall be furnished with a ticket or note stating the gross tare and nett weight of such load and shall produce such ticket or note to any inspector of weights and measures or other officer appointed for the purpose by the Corporation on demand.

PART VIII. —*cont.*

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds.

Application of this Part of Act.

123. The provisions of this Part of this Act relating to coke shall apply to any solid fuel derived from coal or of which coal or coke is a constituent as if it were coke.

PART IX.

FINANCIAL PROVISIONS.

Power to borrow.

124.—(1) Subject to the provisions of this Act the Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table:—

1	2	3
Purpose.	Amount.	Period for repayment.
(*a*) For the construction of the waterworks by this Act authorised and works in connection therewith.	£30,000	Forty-five years from the date or dates of borrowing.
(*b*) For the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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

Saving for powers of Treasury.

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

9 & 10 Geo. 6. c. 18.

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

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

Application of Act of 1933 to existing sinking funds.

127. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper.

Consolidated loans fund.

128.—(1) Notwithstanding anything in any other enactment on and after the thirty-first day of March one thousand nine hundred and forty-eight the Corporation may (if they think fit) establish a fund to be called " the consolidated loans fund " to which shall be paid—

(*a*) all moneys borrowed by the Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(*b*) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and

(*c*) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

(*a*) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and

(*b*) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

PART IX. —*cont.*

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any capital reserve renewals repairs depreciation contingent accident insurance superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required for the purpose for which the lending fund was established and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(*a*) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(*b*) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid to the lending fund at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid shall (subject to any prescribed limit on the amount of the lending fund) be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Corporation to the holders of authorised securities shall continue in force.

(6) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be made by the Corporation and approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

PART IX. —*cont.*

(7) Any scheme approved by the Minister under this section may from time to time be altered extended amended or revoked by a scheme made and approved in like manner as the original scheme.

Capital fund.

129.—(1) The Corporation may establish a fund to be called " the capital fund " to which they may pay any sums derived from the sale of any property of the Corporation the balance of the general rate fund in hand on the thirty-first day of March in any year and such other sums from the general rate fund (including a sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) as the Corporation may by resolution direct (not being moneys directed by law to be applied to any other purpose).

Provided that—

(*a*) any sum directed by the Corporation to be paid to the capital fund from the general rate fund (exclusive of the sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) shall not exceed in any year the equivalent of a rate of sixpence in the pound calculated according to the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925; 15 & 16 Geo. 5. c. 90.

(*b*) payments into the capital fund shall cease to be made whenever the said fund amounts to the sum of one hundred thousand pounds.

(2) The Corporation may apply the money in the capital fund for the purpose of defraying any expenditure to which capital is properly applicable to an amount not exceeding in any one transaction the sum of ten thousand pounds or such greater sum as may be allowed by the Minister in any case and in the exercise of any statutory borrowing power possessed by them other than in connection with any of the undertakings of the Corporation as from time to time existing from which revenue is derived or in providing money for payments into sinking funds in respect of loans raised under any such borrowing power (but not in making the annual payment required to be made thereto).

(3) (*a*) Pending the application of the capital fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(*b*) Any income arising from the investment or use of the moneys in the capital fund in the manner provided by the foregoing paragraph of this subsection and any income arising

PART IX. —*cont.*

from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund.

(*c*) Any sums derived from the sale of any corporate land of the Corporation as defined in section 305 of the Act of 1933 shall not be applied otherwise than in the purchase or acquisition of other corporate land.

(4) All moneys derived from the sale of any property of the Corporation which are applied from the capital fund under the provisions of this section shall be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation:

Provided that where the advance is in the exercise of a statutory borrowing power such period shall not exceed the period prescribed for the repayment of moneys borrowed under that power.

Amendment of section 22 of Preston Corporation Act 1933.

130. Section 22 (Renewal and repairs fund) of the Preston Corporation Act 1933 shall be read and have effect as if the words "twopence in the pound" and the words "fifty thousand pounds" were respectively substituted for the words "one penny in the pound" and "twenty-five thousand pounds."

Closing of registers.

131.—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter period next before the date on which interest on the authorised securities to which such transfer book or register relates is payable.

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon.

Dividend warrants by post.

132.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security of the Corporation (other than stock) that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send the same by post to such other person at such address.

PART IX. —*cont.*

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless notice in writing to the contrary has been given to the Corporation by any other of them.

(3) The posting by the Corporation of an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

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

Subscriptions to local government associations and other expenses.

133. The Corporation may pay out of the general rate fund and general rate—

(*a*) reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(*b*) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

As to proof of continued existence of pensioners. 1 Edw. 8. & 1 Geo. 6. c. 68. 2 & 3 Geo. 6. c. 18. 7 & 8 Geo. 6. c. 21.

134. Notwithstanding anything in the Local Government Superannuation Acts 1937 and 1939 the Corporation shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Act 1944 to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

Payment of pension &c. of person of unsound mind. 52 & 53 Vict. c. 5.

135.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 as amended by any subsequent enactment the Corporation may pay the whole of that sum or so much thereof as they think fit to the institution or person having the care of the person

PART IX. —*cont.*

so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of his wife or husband or relations.

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Corporation shall give to the Master in Lunacy notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice in writing to that person in a form approved by the Master in Lunacy:

Provided that the Corporation may with the approval of the Master in Lunacy exercise powers in this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the Master in Lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said power in relation to any person the said power shall as from the date of the receipt by the Corporation of the notice cease to be exerciseable by the Corporation in relation to that person unless and until the master withdraws the notice.

(6) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercise of the said power.

PART X.

MISCELLANEOUS.

Power to provide &c. entertainments.

136.—(1) The Corporation may use or allow to be used or let any public buildings halls entertainment rooms pavilions or bandstands belonging to them for concerts and other entertainments and may themselves provide or arrange for the provision of or contribute towards the expenses of any such concerts or entertainments and may make or allow to be made such charges as they think fit in connection therewith:

Provided that—

(*a*) the Corporation shall not themselves use any such premises for a cinematograph theatre except for the exhibition of a cinematograph film relating to the functions of county councils or other local authorities nor shall they grant or let the use of any such buildings for the purposes of a theatre music hall or cinematograph theatre except on the best terms that can be obtained;

(*b*) the power of the Corporation themselves to provide entertainments shall include a power to provide concerts and pierrot or other entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but save as aforesaid the Corporation shall not provide or arrange for the provision of stage plays performed by persons other than members of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainments as usually given at a music hall;

(*c*) the net amount of the expenses incurred by the Corporation under this section when added to the net amount of the expenses incurred by them in the provision of entertainments under section 56 of the Public Health Act 1925 shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny and a third in the pound: 15 & 16 Geo. 5. c. 71.

Provided that the limitation hereby imposed shall not apply in respect of any excess rate which may be approved by the Minister under the provisions of subsection (3) of section 56 of the Public Health Act 1925.

PART X. —*cont.*

(2) The Corporation may provide and sell or authorise the provision and sale of programmes of any concert or entertainments given in pursuance of this section.

(3) The Corporation may make byelaws for securing good and orderly conduct during any concerts or entertainments given in pursuance of this section.

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

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

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

Provision of lectures and exhibitions.

137.—(1) It shall be lawful for the Corporation—

(*a*) to provide suitable lecture rooms and to let such rooms; and

(*b*) to provide suitable rooms for art exhibitions and to let such rooms.

(2) The Corporation may use or allow to be used or let any part of any public library provided by them and not at the time required for the purpose of a library for lectures and exhibitions for or in connection with the advancement of art education drama science music or literature.

(3) The Corporation may themselves provide or arrange for the provision of or contribute towards the expenses of any lectures or exhibitions given in pursuance of this section and may make or allow to be made such charges as they may think fit in connection therewith.

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

(5) Nothing in this section shall be taken to dispense with the consent of the Minister of Education to any appropriation

lease or other disposition of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted.

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

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

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

(9) No cinematograph film of which—

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

(*b*) the width exceeds sixteen millimetres;

shall be exhibited under the powers of this section.

Extension of section 2 (3) of Public Health (Interments) Act 1879. 42 & 43 Vict. c. 31.

138.—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Corporation to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument either in a cemetery provided under the Public Health Acts or in a burial ground provided under the Burial Acts 1852 to 1906.

(2) Any such sum shall be invested in statutory securities or in manner authorised by the section of this Act of which the marginal note is " Consolidated loans fund " and the interest thereof applied in maintaining the grave or grave space or monument in such manner as the Corporation think fit.

(3) Any such capital sum and the interest thereof shall be shown separately in the accounts of the Corporation relating to their cemetery undertaking but otherwise the said interest shall be paid into the fund to which receipts derived from the cemetery undertaking are paid.

PART X. —*cont.*

Charges for and letting of parks &c. for games.

139. When any portion of any park or place of public resort or recreation is set apart by the Corporation for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Corporation may permit the exclusive use by any club or other body or persons of any part of any park or place of public resort or recreation set apart as aforesaid and of any pavilions buildings or refreshment or other rooms or conveniences subject to such charges and conditions as the Corporation may think fit:

Provided that nothing in this section shall empower the Corporation to permit at one and the same time the exclusive use of more than one-third of the area of any park or place of public resort or recreation for the time being belonging to them or under their control or more than one-quarter of the total area of all such parks and places.

Officers may be sworn in as constables.

140.—(1) The Corporation may procure officers appointed by them for securing the observance of the provisions of all Acts in force within the borough relating to parks and pleasure grounds and of the byelaws and regulations made thereunder to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

11 & 12 Geo. 5. c. 31.

School agreements.

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

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

(*a*) a secondary school as defined by section 114 of the Education Act 1944; and

7 & 8 Geo. 6. c. 31.

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

PART X. —*cont.*

Collection and delivery of washing.

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

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

Provision of furniture.

143. The Corporation may provide furniture fittings and bedding for use in houses occupied by their tenants and may let on hire or sell the same to such tenants.

As to personal weighing machines.

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

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

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

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

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

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

(5) (*a*) Any inspector of weights and measures of the Corporation may at all reasonable times inspect and examine

PART X. —*cont.*

any personal weighing machine in the borough and may seize and detain any such machine which is liable to be forfeited under the provisions of this section and may for the purposes of such inspection and examination enter any place (whether open or closed) where there is reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine.

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

(6) The Corporation may make byelaws—

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

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

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

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

Power to make regulations as to traffic on carnival &c. days. 10 & 11 Vict. c. 89.

145. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall within the borough extend to enable the Corporation on days appointed for ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

Notice of processions to be given.

146.—(1) Any person intending to organise or form a public or ceremonial procession or a circus procession or a procession of wild animals through the streets of the borough

(other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the office of the town clerk thirty-six hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice any person organising or conducting such procession shall be liable to a penalty not exceeding five pounds.

As to barriers in streets.

147.—(1) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be erected along or across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

(2) For the purpose of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient.

(3) The powers of this section shall not be exercised in such a manner as to cause obstruction to or interference with the access to or exit from any station or depot of a railway company except with the consent of such company.

Carriage of parcels.

148.—(1) The Corporation may if they think fit run vehicles on any road in the borough and on any road outside the borough on which the Corporation are authorised to run public service vehicles for the sole purpose of collecting conveying and delivering parcels.

(2) The Corporation may demand and take for the conveyance of parcels carried in any of their parcels delivery vehicles charges not exceeding such maximum charges as may from time to time be approved by the Minister of Transport.

(3) Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under the Road and Rail Traffic Act 1933 in respect of any goods vehicle to which that Act applies. 23 & 24 Geo. 5. c. 53.

(4) The Corporation may in connection with and for the purposes of their parcel delivery service provide and fit up offices for the receipt and dispatch of parcels.

PART X. —*cont.*

(5) The Corporation shall perform in respect of the vehicles run by them in pursuance of subsection (1) of this section all such services with regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

56 & 57 Vict. c. 38.

Definition of transport undertaking.

149. As from the passing of this Act the tramway undertaking of the Corporation which includes their omnibus tramway and trolley vehicle undertaking and their parcel delivery service shall be known as the transport undertaking of the Corporation.

Power to provide shelters &c.

150.—(1) The Corporation may erect and maintain on any street in the borough at suitable stopping places on the routes of public service vehicles or on lands belonging to them shelters for passengers on such vehicles and rails for the regulation of queues of persons intending to enter such vehicles.

(2) The Corporation may erect and maintain on any street outside the borough at suitable stopping places on the routes of their public service vehicles or on lands belonging to them shelters for passengers on such vehicles and rails for the regulation of queues of persons intending to enter such vehicles:

Provided that except in the case of any shelter or rail for the erection of which the consent of the road authority or the Minister of Transport is required by paragraph (iv) or (v) of subsection (3) of this section nothing in this subsection shall be in derogation of the provisions of section 2 of the Restriction of Ribbon Development Act 1935.

(3) The Corporation shall not in pursuance of this section—

(i) erect any shelter or rail so as to cause interference with or to render less convenient the access to or exit from any station or depot belonging to any railway company; or

(ii) erect or maintain any shelter or rail in any street belonging to or repairable by any railway company without the previous consent of that company which consent shall not be unreasonably withheld; or

(iii) erect any shelter on any bridge carrying any street or road over the railway of any railway company without the consent of that company; or

(iv) erect any shelter or rail on any part of the highway outside the borough (not being part of a trunk road) without the consent of the road authority having jurisdiction in respect of such part of the highway but such consent shall not be unreasonably withheld and any question whether any such consent has been unreasonably withheld shall be referred to and determined by the Minister of Transport; or

(v) erect any shelter or rail on any part of any trunk road without the consent of the Minister of Transport Provided that if the Corporation give notice in writing to the said Minister that they are aggrieved by his withholding his consent the matter shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

(4) Every application for the consent of the road authority or the Minister of Transport under paragraph (iv) or (v) of subsection (3) of this section shall be accompanied by a drawing of the intended type of shelter and a map or plan showing the intended position thereof.

Silencers for internal combustion engines.

151.—(1) Every person who uses a stationary internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall at all times keep such silencer in proper repair.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the person aforesaid:

Provided that nothing in this subsection shall apply to any stationary internal combustion engine belonging to any railway or canal company and used by them for the purposes of their railway or canal undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice in writing from the Corporation to the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Restriction on erection of stands &c.

152.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for not less than twenty persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such conditions as the Corporation may prescribe for securing the stability of such stand or structure and protection against fire and for securing the safety of persons to be accommodated thereon.

(2) Any person aggrieved by any conditions prescribed by the Corporation under subsection (1) of this section may appeal in accordance with the section of this Act of which the marginal note is " As to appeals ":

PART X. —*cont.*

Provided that pending the determination of such appeal twenty or more persons shall not be admitted to such stand or structure unless the conditions prescribed by the Corporation have been complied with.

(3) Any person acting in contravention of this section or offending against any such condition shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of this section shall not apply to any stand or structure erected by a person who is a proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

Police telephone call boxes and shelters.

153. The Corporation may erect or fix and maintain police telephone call boxes and shelters or boxes for the use of police constables in such positions in any street park or public place within the borough as they think fit:

Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869: 32 & 33 Vict. c. 73.

Provided also that the Corporation shall not under the powers of this section erect or fix any call box shelter or box—

(*a*) in or upon any bridge carrying a street over a railway of a railway company or the approaches thereto or under any bridge carrying a railway of a railway company over a street; or

(*b*) in any street belonging to and repairable by a railway company and forming the approach to any station or depot of a railway company; or

(*c*) so as to obstruct the access to or exit from any station or depot of a railway company constructed or maintained under statutory authority;

except in each case with the consent in writing of the railway company but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of an arbitrator to be appointed failing agreement by the Minister of Transport.

Interference with police call boxes &c.

154.—(1) Any person who shall wilfully or negligently obstruct or interfere with the convenient access to any police telephone call box or police shelter or box or who shall remove or efface any plate or mark indicating the position of such call box shelter or box or any fire hydrant shall be liable to a penalty not exceeding five pounds and the Corporation may recover the expenses of replacement and making good from such person.

PART X. —*cont.*

(2) Any person who shall knowingly and improperly use or cause to be used by means of any false or malicious statement message or otherwise any police telephone call box or (for the purpose of requiring the services of the police or an ambulance) any telephone call box of the Post Office telephone service shall for every such offence be liable to a penalty not exceeding five pounds.

Further provision for public and other buildings.

155.—(1) If it appears to the Corporation that for the purpose of preventing fire or injury or danger to persons resorting to any building to which section 59 of the Act of 1936 applies—

(*a*) the apparatus or fittings for lighting or heating the building require alteration; or

(*b*) the arrangement of the chairs and seating requires alteration; or

(*c*) any floor requires strengthening in order to prevent overloading;

the Corporation may by notice require the owner of the building to make such provision in regard to the matters aforesaid as may be necessary:

Provided that—

(i) paragraphs (*a*) and (*b*) of this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1843 section 129 (Provisions as to places for dancing music and other public entertainments) of the Act of 1880 as amended by this Act or the Cinematograph Act 1909 is for the time being in force;

6 & 7 Vict. c. 68.

9 Edw. 7. c. 30.

(ii) nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

1 Edw. 8. & 1 Geo. 6. c. 67.

(2) The provisions of Part XII of the Act of 1936 with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under this section.

Amendment of section 129 of Act of 1880.

156.—(1) Notwithstanding the provisions of section 129 (Provisions as to places for dancing music and other public entertainments) of the Act of 1880 no licence shall be required to be obtained for the keeping or use for the purpose of bowls of any playing field or ground provided by the Corporation in any park recreation ground or elsewhere.

(2) Section 129 (Provisions as to places for dancing music and other entertainments) of the Act of 1880 shall be read and have effect as if the words " or skittles " were inserted in lieu of the words " skittles or other game " in subsection (1) of the section.

PART X. —*cont.*

Places used for boxing or wrestling entertainments to be licensed.

157.—(1) As from the commencement of this section section 129 (Provisions as to places for dancing music and other public entertainments) of the Act of 1880 shall extend to any place kept or used for any boxing or wrestling entertainment as though such entertainment were of the like kind with public dancing and music.

(2) For the purposes of this section "boxing or wrestling entertainment" means any public contest or display of boxing or wrestling except such as may be provided or given—

(*a*) by travelling showmen at pleasure fairs;

(*b*) in premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under the said Act are complied with as though such contest or display were a stage play;

(*c*) by bona fide associations clubs hospitals or societies which are not carried on for profit;

(*d*) by members of the Boy Scouts Association or of any organisation formed by the Boy Scouts Association in pursuance of their charter; or

(*e*) by any school.

As to prizes for garden competitions.

158. The Corporation may expend on the provision of prizes in connection with any competition they may hold relating to their tenants' gardens such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds.

Compensation for injuring lamps &c.

159. Every person who negligently breaks throws down or otherwise damages any public lamp or lamp-post traffic-light traffic-signal street danger signal sewer-ventilator or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin or ambulance call point or fire alarm or notice board life-saving apparatus or any other property of the Corporation or any fence rail or post placed by the Corporation in any street under the provisions of any enactment shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding twenty pounds shall (without prejudice to any other right or remedy of the Corporation) be recoverable summarily as a civil debt.

Power to establish information bureaux &c.

160.—(1) The Corporation may establish and maintain an information bureau or information bureaux in the borough for the purpose of supplying information on all questions relating to the borough and neighbourhood or to local government and other services and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof.

PART X. —*cont.*

(2) The Corporation may pay out of the general rate fund and general rate reasonable subscriptions whether annually or otherwise to the funds of any association or organisation established or to be established for the purpose of giving advice and information on the questions referred to in subsection (1) of this section.

Provision of gymnastic apparatus.

161.—(1) The Corporation may in any buildings in which they have provided swimming baths provide and maintain a gymnasium and gymnastic apparatus and they may demand and take such reasonable charges as they may think fit for admission to and for the use of any such gymnasium belonging to them.

(2) The Corporation may employ and pay instructors in connection with any gymnasium provided by them under the powers of this section.

(3) The Corporation may make byelaws with respect to the management control and use of such gymnasium as aforesaid and for the enforcement of such byelaws by the servants of the Corporation.

Dwelling-houses for employees.

162.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to them and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation.

(2) Nothing in this section shall empower the Corporation to create or permit a nuisance.

Payment of funeral expenses of deceased employees.

163. On the death of an employee (which expression in this section includes a former employee or pensioner of the Corporation or other person) to whom or to whose personal representative a sum is due from the Corporation on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest the Corporation may if they think fit pay out of the above sum the funeral expenses of the deceased employee or so much thereof as they consider reasonable having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946 and the amount of the expenses so paid shall be deemed to have been paid for the personal representative of the person to whom the sum was due from the Corporation and the Corporation and any officer of the Corporation making such payment shall be discharged from all liability in respect of such payment.

9 & 10 Geo. 6. c. 67.

PART X. —*cont.*

Prohibition on solicitation of school children to sell or exchange articles &c. at schools.

164.—(1) While any child is entering or leaving any school provided or maintained by the Corporation as the local education authority or is entering or leaving any yard or playground appurtenant to any such school or is in any such yard or playground no person shall solicit such child—

(*a*) to sell to such person any article or thing; or

(*b*) to exchange with such person any article or thing for any other article or thing.

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

(3) In this section "child" has the meaning assigned to it by section 114 of the Education Act 1944.

Undertakings &c. to bind successive owners.

165.—(1) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Corporation to or by the owner of any legal estate in land or property on the passing of plans or otherwise in connection with such land or property shall be binding upon such owner and his successors in title and all persons claiming through or under him or them and upon the Corporation and such owner and other persons upon whom such undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

(2) Any such undertaking or agreement of such owner shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) Any such undertaking or agreement of such owner shall not be binding upon any person in whom any other legal estate in such land or property is vested at the date thereof nor upon his successors in title unless such person joins in such undertaking or agreement.

PART XI.

GENERAL.

Service of demand notes.

166. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with any undertaking department or service of the Corporation.

Notices &c. to be in writing.

167. All notices orders consents demands and other documents authorised or required by or under this Act or any local Act for the time being in force in the borough to be given made or issued by the Corporation and all notices and applications authorised or required by or under this Act or any such local Act to be given or made to or to any officer of the Corporation shall be in writing.

PART XI. —*cont.*

Breach of conditions of consent of Corporation.

168. Where under this Act or under any general or local Act the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions 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 or the doing of the act or thing without the required consent.

Confirming authority for byelaws.

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

(*a*) in the case of byelaws made under the sections of this Act of which the respective marginal notes are "Byelaws as to form of weigh tickets" and "As to personal weighing machines" the Board of Trade;

(*b*) in the case of byelaws made under the section of this Act of which the marginal note is "Power to provide &c. entertainments" the Secretary of State; and

(*c*) in all other cases the Minister.

Commencement of certain provisions of this Act.

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

Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement:

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

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

(3) This section shall apply to the sections of this Act of which the respective marginal notes are—

"Demolition of buildings"

"Restrictions on attendance at schools and places of assembly"

"Notice of slaughter of animal unfit for food"

"Registration of hawkers of food and premises"

PART XI. —*cont.*

"Registration of hairdressers and barbers and premises"

"As to personal weighing machines"

"Places used for boxing or wrestling entertainments to be licensed"

and to Part VIII (Sale of coke &c.) of this Act.

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

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

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

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

Restriction on right to prosecute.

171. Section 298 of the Act of 1936 shall apply to offences created by or under this Act as if they were offences created by or under that Act except that the said section shall not apply to those created by or under Part II (Ribble navigation) Part VII (Markets and weighing machines) Part VIII (Sale of coke &c.) and Part X (Miscellaneous) of this Act.

As to appeals.

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

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

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

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

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

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

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

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

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

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

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

In executing works for owner Corporation liable for negligence only.

173. Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the borough 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 Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the sanitary inspector 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

PART XI. —*cont.*

work or the doing of such act or thing and any such damages penalties costs charges or expenses payable by the Corporation 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.

Apportionment of expenses in case of joint owners.

174. Where under the provisions of any enactment in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those enactments or any of them are recoverable by the Corporation from the owners shall 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.

Application of Arbitration Acts.

175. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration (other than questions or disputes to which the provisions of the Lands Clauses Acts or of the section of this Act of which the marginal note is "Compensation how to be determined" apply) the reference shall be subject to the provisions of the Arbitration Acts 1889 to 1934 and unless other provision is made or it is otherwise agreed the arbitrator shall be appointed by the Minister.

Inquiries by Minister.

176. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and subsections (2) to (5) of section 290 of the Act of 1933 shall apply accordingly.

Inquiries by Minister of Transport.

177. The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and subsections (2) to (5) of section 290 of the Act of 1933 shall apply accordingly.

Compensation how to be determined.

178. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

Application of provisions of Public Health Act 1936.

179.—(1) The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto:—

Section 271 (Interpretation of "provide");

Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);

Section 276 (Power of local authority to sell materials);

PART XI. —*cont.*

Section 277 (Power of councils to require information as to ownership of premises);
Section 284 (Authentication of documents);
Section 285 (Service of notices &c.);
Section 286 (Proof of resolutions &c.);
Section 287 (Power to enter premises);
Section 288 (Penalty for obstructing execution of Act);
Section 289 (Power to require occupier to permit works to be executed by owner);
Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);
Section 292 (Power to make a charge in respect of establishment expenses);
Section 293 (Recovery of expenses &c.);
Section 294 (Limitation of liability of certain owners);
Section 295 (Power of local authority to grant charging orders);
Section 296 (Summary proceedings for offences);
Section 297 (Continuing offences and penalties);
Section 299 (Inclusion of several sums in one complaint &c.);
Section 304 (Judges and justices not to be disqualified by liability to rates);
Section 328 (Powers of Act to be cumulative);
Section 329 (Saving for certain provisions of the Land Charges Act 1925):

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

Provided also that the said section 285 shall not apply in relation to the section of this Act of which the marginal note is "Removal of sunk stranded or abandoned vessels."

(2) Section 285 of the Act of 1936 shall extend and apply in relation to any local Act for the time being in force in the borough as if such section were re-enacted in that local Act and in terms made applicable thereto.

Incorporation of sections of Preston Corporation Act 1914.

180. The following sections of the Preston Corporation Act 1914 hereinafter mentioned shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act:—

PART XI. —*cont.*

Section 152 (Recovery of penalties);
Section 154 (Damages and charges to be settled by justices);
Section 157 (Persons acting in execution of Act not to be personally liable);
Section 158 (Saving for indictments).

Repeal.

181.—(1) The following enactments are hereby repealed:—

The Preston Corporation Markets Act 1861.

Section XIII (Power to purchase other lands by agreement);
Section XLII (Power of markets slaughterhouses tolls &c. and assignment of leases).

The Act of 1880.

Section 76 (No buildings allowed until street formed &c.);
Section 135 (Power to acquire additional lands by agreement).

The Act of 1888.

Section 26 (Charges for water to shipping);
The Third Schedule.

Preston Corporation Act 1900.

Section 73 (Yards to be flagged);
Section 74 (Improper construction or repair of water-closet or drain);
Section 75 (Defining the establishing of a new business (section 112 Public Health Act 1875));
Section 76 (Public conveniences and lavatories).

4 Edw. 7. c. lxxv.

Preston Corporation Water Act 1904.

Section 30 (Sinking fund).

Preston Corporation Act 1914.

Section 65 (Continuation of existing street to be deemed new street);
Section 67 (Intersecting streets);
Section 70 (Power to grant licences for bridges over streets);
Section 71 (Forecourts to be fenced off from streets);

PART XI. —*cont.*

Section 75 (Elevation of buildings erected on front lands to be subject to approval of Corporation);

Section 76 (Trees or shrubs overhanging streets and footpaths);

Section 78 (Erection of buildings to greater height than adjoining buildings);

Section 79 (Means of escape from buildings in case of fire);

Section 80 (Byelaws as to staircases in new buildings);

Section 81 (Amendment of section 23 of Public Health Acts Amendment Act 1890);

Section 82 (Food storage accommodation to be provided in new houses);

Section 84 (Corporation may require enlarged sewer);

Section 85 (Notice of intention to repair drains);

Section 88 (Making of communications between drains and sewers);

Section 89 (Provisions as to combined drainage for two or more houses);

Section 92 (For regulating manufacture and sale of ice cream &c.);

Section 93 (Inspection of premises of dealer in ice cream);

Section 94 (Information to be furnished to medical officer and penalty for furnishing false information);

Section 101 (For preventing contact with body of person who has died of infectious disease);

Section 103 (Compensation to persons ceasing employment);

Section 105 (Sanitary conveniences for manufactories &c.);

Section 106 (Sanitary conveniences for workmen engaged on buildings);

Section 107 (Watercourse choked up to be a nuisance under Public Health Act 1875);

Section 108 (Watercourses not to be covered over except in accordance with approved plans);

Section 111 (Provisions as to houses without water supply);

PART XI. —*cont.*

Section 112 (Prohibition of the blowing or inflating of carcases);
Section 113 (Registration of common lodging-houses);
Section 114 (Notice to common lodging-house keepers);
Section 120 (Power to appoint officers for parks);
Section 133 (Weight-ticket or note on delivery of coke over two hundredweight);
Section 134 (Regulating sale of coke under two hundredweight);
Section 135 (Provisions as to licensing of boxing exhibitions).

The Act of 1921.

Subsections (1) and (2) of section 25 (Increased supply of water from Langden and Hareden Streams);
Subsection (1) of section 26 (For protection of county councils and others);
Section 35 (Revision of tolls rates and dues);
Section 75 (Further powers for the acquisition of land).

Preston Order 1926.

Subsection (4) of section 2 (Partial repeal and amendment of local Act).

19 & 20 Geo. 5. c. lxviii. Preston Corporation Act 1929.

Section 28 (Power to reinstate owners of property);
Section 29 (Power to develop lands);
Section 43 (Use of moneys forming part of sinking and other funds).

Preston Corporation Act 1931.

Section 52 (Shelters and waiting rooms).

(2) The following enactments shall be repealed on and from the first day of April one thousand nine hundred and forty-eight:—

The Preston Corporation Markets Act 1861.

Section XXXII (Cornmarket tolls Schedule (A));
Section XXXIII (Butter fowl pork and fish markets Schedule (B));
Section XXXIV (Cattle market and cattle fair tolls Schedule (C));
Section XXXV (Covered provision and vegetable market and carcase market tolls Schedule (D));

Section XXXVI (Hay and straw market and weighing tolls Schedule (E));

Section XXXVII (General tolls for open markets and for fairs Schedule (F));

Section XXXVIII (Pig market Schedule (G));

Section XXXIX (Slaughterhouse toll Schedule (H));

Section XL (Tolls for weighing and measuring Schedule (I));

The Schedules.

The Act of 1921.

Section 37 (Increase of cattle market tolls).

For protection of Preston Gas Company.

182. For the protection of the Preston Gas Company (in this section referred to as " the company ") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the company and the Corporation apply and have effect:—

(1) In this section the expression " apparatus " means mains pipes valves stopcocks fittings or other works or apparatus of the company:

(2) Notwithstanding the stopping up temporarily of any street or part of a street under the powers of the section of this Act of which the marginal note is " Temporary stoppage of streets " the company their engineers workmen and others in their employ shall have all such rights of access to all or any apparatus situate in or under any such street or part of a street as they had immediately before such stopping up and shall be at liberty to execute and do all such works and things in upon or under such street or part of a street as may be necessary for inspecting repairing maintaining renewing or removing such apparatus:

(3) Not less than twenty-one days before the Corporation by virtue of an order made under the section of this Act of which the marginal note is " Stopping up and diversion of highways " stop up or divert any highway or part of a highway in or under which any apparatus is situate they shall give to the company notice in writing of their proposal and if it shall be agreed between the company and the Corporation or in case of difference determined by arbitration that in consequence of such stopping up or diversion it is reasonably necessary to remove such apparatus to and re-lay the same in the highway (if any) substituted for the highway or part of a highway so stopped up or diverted or in any other situation or to provide and lay in such substituted highway or other

PART XI. —*cont.*

situation similar apparatus equally suitable in lieu of such existing apparatus the company may remove and re-lay such apparatus or provide and lay similar apparatus accordingly and the Corporation shall on demand repay to the company the expense reasonably incurred by them in so doing:

(4) Not less than twenty-one days before the Corporation in the exercise of the powers of the section of this Act of which the marginal note is "Rounding of corners at street junctions" add to the carriageway of a street any portion of any footway in or under which any apparatus is for the time being situate the Corporation shall give notice in writing to the company and the company may and if so required by the Corporation shall alter the position of any apparatus in or under such footway by relaying the apparatus in such position (under either the carriageway or the footway) and at such depth as may be reasonable and the Corporation shall repay to the company the reasonable expenses of or in connection with such alteration of position:

(5) Whenever the Corporation in the exercise of the powers of the section of this Act of which the marginal note is "Adjustment of boundaries of streets" shall give up land forming part of a street in exchange for other land there being in such first-mentioned land any apparatus the Corporation shall give notice in writing to the company of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the company may alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances and the Corporation shall repay to the company the reasonable expenses of and in connection with such alteration of position:

(6) In determining any sum payable by the Corporation to the company under the provisions of subsections (3) (4) or (5) of this section regard shall be had to the following provisions:—

(*a*) If any apparatus is laid of greater dimensions than the apparatus for which it is substituted the amount payable by the Corporation shall not thereby be increased; and

(*b*) If apparatus is substituted for existing apparatus regard shall be had to any increase in the effective life thereof:

PART XI. —*cont.*

(7) The provisions of the sections of this Act of which the marginal notes are " Height of chimneys " and " Power to order alteration of chimneys " respectively shall not apply to any chimney erected or to be erected on any land which the company are for the time being authorised to use for the manufacture or storage of gas or the working up or storage of residuals and used for the purpose of the undertaking of the company:

(8) (*a*) Not less than twenty-one days before commencing to erect on any highway any weighbridge weighing machine or offices under the powers of the section of this Act of which the marginal note is " Power to erect weighbridges " (which weighbridge weighing machine and offices are hereinafter in this subsection referred to as " the works ") the Corporation shall deliver to the company plans sections and particulars of the works and the company may within twenty-one days after the receipt of such plans sections and particulars give notice to the Corporation of—

(i) any objections which they may have to the construction of the works; or

(ii) any conditions which should apply with reference to the construction of the works;

having regard (in either case) to the effect of the works either on any existing apparatus or on any apparatus which it may be necessary for the company to lay within a reasonable time after the delivery of such plans sections and particulars;

(*b*) Unless an agreement shall be arrived at between the Corporation and the company with reference to the matters to which any such notice by the company relates a difference shall be deemed to have arisen between them which shall be determined by arbitration;

(*c*) The Corporation shall not construct the works otherwise than as may be agreed between the Corporation and the company or in case of difference as shall be determined by arbitration;

(*d*) The Corporation shall make good all damage done by them to any apparatus in exercising any of the powers referred to in the said section and shall make full compensation for any loss damage costs or expenses which the company may sustain or incur by reason or in consequence of any interference by the Corporation in the exercise of such powers with any apparatus:

PART XI. —*cont.*

(9) If any difference shall arise between the Corporation and the company under this section (other than a difference as to the construction or meaning of this section) such difference shall be referred to arbitration by a single arbitrator to be appointed unless otherwise agreed on the application of either party by the President of the Institution of Civil Engineers.

Saving for town and country planning &c.

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

(2) In this section the expression "Town and Country Planning Acts" means—

22 & 23 Geo. 5. c. 48. 6 & 7 Geo. 6. c. 29. 7 & 8 Geo. 6. c. 47. 9 & 10 Geo. 6. c. 68.

(*a*) the Town and Country Planning Acts 1932 and 1943 the Town and Country Planning Act 1944 and the New Towns Act 1946; and

(*b*) any public general Act passed or to be passed in the present session repealing amending or extending the provisions of those Acts.

Crown rights.

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

Saving rights of Duchy of Lancaster.

185. Nothing contained in this Act shall extend or operate to authorise the Corporation to take use enter upon or in any manner interfere with any land soil water or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His Heirs or Successors in right of His said duchy.

Costs of Act.

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

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

	s.	d.
For all lime limestone iron ore or coal slack dung compost and all sorts of manure and all undressed materials and boulder stones for the repair of public roads or highways carried or conveyed in and upon the said river Ribble for every time of passing the said Ribble sea line per ton not exceeding ... ... and so in proportion for a less quantity than a ton.	0	6
And for every time of passing the said Ribble inner line per ton not exceeding ... ... and so in proportion for a less quantity than a ton.	0	6
For all potatoes turnips carrots and other roots and all coal coke culm peat charcoal and cinders all stones for building pitching and paving except boulder stones all bricks tiles slates clay sand pig-iron bar-iron rod-iron hoop-iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise carried or conveyed in and upon the said river Ribble for every time of passing the said Ribble sea line per ton not exceeding ... ... and so in proportion for a less quantity than a ton.	0	9
And for every time of passing the said Ribble inner line per ton not exceeding ... ... and so in proportion for a less quantity than a ton.	0	6
For all sugar grain corn flour hides dye-woods earthenware timber and deals metals (except iron) nails anvils vices and chains And for all cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things carried or conveyed in and upon the said river Ribble for every time of passing the said Ribble sea line per ton not exceeding ... ... and so in proportion for a less quantity than a ton.	1	0
And for every time of passing the said Ribble inner line per ton not exceeding ... ... and so in proportion for a less quantity than a ton.	0	6
For every carriage of whatever description carried or conveyed in and upon the said river Ribble for every time of passing either of the said lines not exceeding	1	6
In respect of animals conveyed upon the said river Ribble and for every time of passing either of the said lines for every animal not exceeding	0	9

1ST SCH. —*cont.*

Provided always that the Corporation may from time to time alter or vary any of the classifications for rivers or tonnage duties hereinbefore made and make new classifications of the articles things and animals therein comprised but so nevertheless that in fixing the rates or duties on any article thing and animal the maximum rate in respect of the same hereinbefore mentioned shall not be exceeded.

THE SECOND SCHEDULE.

WHARFAGE RATES.

		s.	d.
For each person		0	6
Animals—Horses	(each)	1	6
Cattle	(each)	1	0
Ponies mules and asses	(each)	1	0
Sheep pigs goats and calves	(each)	0	4
Not otherwise enumerated	(each)	2	0
Rates on goods etc. at per ton.			
Abrasives		4	0
Acids		4	6
Acorns		1	6
Aeroplane parts		6	0
Agar agar		4	0
Agricultural implements		4	0
Albumen		2	6
Ale porter beer and cider		4	0
Alkali		2	0
Alkanet root		4	0
Almonds		4	0
Alum		1	6
Aluminium		3	0
Alva marina		2	0
Amber and beads		6	0
Ammonia—			
Spirits of		3	0
Sulphate of		1	6
Ammoniacal liquor		1	6
Anchovies		4	6
Angelica root		4	0
Animal charcoal		1	6
Animal hairs		5	0
Aniline colours		6	0
Annato		5	0
Anthracine		6	0
Antimony		3	0
Archilla or orchill		3	0
Argol		3	0
Arrowroot		6	0
Arsenic		3	6

2ND SCH. —*cont.*

	s.	d.
Ashes pot or pearl	2	6
Asphalt	1	6
Asphaltum	1	6
Assafoetida	4	0
Bacon and hams	4	0
Baggage	4	0
Bags and bagging	4	0
Balata	3	6
Bales cases and other packages	6	0
Ball bearings	3	6
Ballast	0	8
Balsam	4	0
Bamboo	4	0
Bark—		
Medicinal	6	0
Extract	4	0
Tanners'	2	0
Barley	2	0
Barley pot or pearl	2	6
Barytes	1	0
Baskets and skips	4	6
Batteries	5	0
Beads	6	0
Beans	2	0
Beef and pork salted	3	0
Bees-wax	3	6
Benzole or benzine	3	0
Berries—not otherwise enumerated	3	0
Bicycles parts and accessories	5	0
Bichrome	3	6
Biscuits and bread	6	0
Bismuth	3	0
Bisulphide of carbon	3	0
Bitumen	1	6
Blacking	2	6
Bleaching powder	1	6
Blood	3	0
Bobbins	3	6
Bones	1	6
Bone ash	1	6
Bone size	1	6
Books	4	6
Boots and shoes	6	0
Borax	2	0
Bottles empty glass or stone	2	6
Bran pollards oat dust and sharps	2	0
Brass and brassware	3	6
Bricks bath or fire	1	6
Bricks common	1	0
Bricks wood for paving	2	0
Brimstone	2	0
Bristles	6	0
Bronze powder	6	0

2nd Sch. —*cont.*

	s.	d.
Brooms	3	6
Brushes	3	6
Buckets	3	0
Buckwheat	2	0
Buckwheat husks	2	0
Builders' materials	2	0
Bullion plate and coin	15	0
Bullrushes	4	0
Buoys	2	0
Butter and butter substitute	4	0
Cable	3	0
Cadmium	5	0
Calmus root	4	0
Camel hair	5	0
Camomile flowers	6	0
Camphine	2	6
Camphor	6	0
Candles	6	0
Canella	4	0
Canes	4	0
Cans tin or carding tins	3	0
Cantharides	4	0
Canvas	6	0
Caoutchouc	3	6
Capers	6	0
Carbon bisulphide	3	0
Carbon black	3	0
Cardamoms	5	0
Caraway seed	4	0
Carriages coaches fire engines railway carriages and wagons	3	0
Carrots	1	6
Cassia	6	0
Cattle food—not otherwise enumerated	3	0
Caviare	4	6
Cellulose acetate	4	0
Cases casks and other packages containing goods not otherwise enumerated	6	0
Cement	1	6
Cement stone or unground in bulk	1	0
Chains steel	2	0
Chalk—		
Common	1	0
French	2	0
Charcoal—not otherwise enumerated	1	6
Cheese	4	0
Chemicals—not otherwise enumerated	6	0
Chicory and root	3	0
Chillies	4	0
China ware	6	0
Chocolate	5	0
Cigars and cigarettes	6	0
Cinnamon	6	0

2ND SCH. —*cont.*

	s.	d.
Clay—		
China fire or pipe	1	6
Draining pipes tiles and other goods	2	0
Clocks and watches	10	0
Cloves	6	0
Coal	0	6
Cobalt and cobalt oxide	6	0
Cochineal	6	0
Cocoa and cocoa beans	4	0
Coconut oil	4	0
Codilla	3	0
Coffee	4	0
Coir	4	0
Coke and cinders	1	0
Colours painters'	3	0
Condensed milk	5	0
Confectionery	5	0
Copper—		
Ingots	2	0
Wire nails sheets pipes and tubes	3	0
Sulphate of	2	0
Ore and pyrites	1	6
Manufactures	4	0
Scrap	2	0
Copperas	1	6
Coprolites	1	6
Cork	5	0
Cotton—		
Wool	5	0
Waste	5	0
Manufactures	5	0
Cowries	3	0
Crash	3	0
Cream of tartar	3	0
Creosote	1	6
Crucibles	6	0
Cryolite	2	0
Cudbear	3	0
Cutch	3	0
Divi divi	3	0
Dross	1	0
Drugs—not otherwise enumerated	6	0
Dye stuffs and wares	6	0
Earthenware	3	0
Earth fuller's	3	0
Eau de Cologne	6	0
Eggs fresh and dried	6	0
Electric light bulbs without filaments	2	0
Electric motors	6	0
Emery—		
Stone	2	6
Powder	4	0
Epsom salts	2	0
Ergot of rye	5	0

2nd Sch. —*cont.*

	s.	d.
Esparto or Spanish grass	2	0
Essences or essential oils	6	0
Feathers	6	0
Feeding stuffs—not otherwise enumerated	4	0
Feldspar or fluorspar	1	6
Felt	3	0
Ferro-manganese	2	0
Ferro-silicon	2	0
Fibre—		
Vulcanised	5	0
Not otherwise enumerated	4	0
Firearms	6	0
Fish—		
Fresh	4	0
Dried	4	0
Tinned—Anchovies and sardines	4	6
Not otherwise enumerated	5	0
Oysters	5	0
Flax hemp and codilla	3	0
Flasks vacuum or thermos	3	0
Fleshings	2	0
Flocks	1	6
Flour	4	0
Floor cloth	3	6
Fruit—		
Green	4	0
Dried	4	0
In pickle	4	0
Furniture	4	0
Furs dressed and undressed	6	0
Fuze and safety fuze	10	0
Galls	3	0
Gambier	3	0
Game	5	0
Ganister	2	0
Garancine	4	0
Gentian root	4	0
Ginger	5	0
Glass	3	6
Gloves rubber or leather	6	0
Glucose	4	0
Glue	4	0
Glycerine	4	6
Grain—		
Barley and buckwheat	2	0
Beans peas and tares	2	0
Oats	2	0
Wheat maize and rye	3	0
Grates or stoves	3	0
Gravel or stone ballast	0	8
Grease	3	0
Grits	2	0
Ground wood	2	0

	s.	d.	2ND SCH. —*cont.*
Guano	2	0	
Gum	4	0	
Gunpowder	15	0	
Guns and parts	5	0	
Gutta-percha	4	0	
Gypsum—			
Rough	1	0	
Ground	1	6	
Hair—not otherwise enumerated	6	0	
Hams	4	0	
Hardware—not otherwise enumerated	4	0	
Hay grass or straw	3	0	
Hemp	3	0	
Hellebore	4	0	
Hides	6	0	
Honey	4	6	
Hoops wood	3	0	
Hops	6	0	
Horns horn piths and hoofs	3	0	
Horse-radish	5	0	
Ice	2	0	
Indigo	6	0	
Ink	6	0	
Iron liquor	2	0	
Iron and steel—			
Pigs (inwards)	1	0	
Pigs (outwards)	0	8	
Blooms billets and scrap	1	0	
Rails rough castings bars nails rivets plates sheets and chains	2	0	
Wire	3	0	
Finished manufactures	4	0	
Not otherwise enumerated	4	0	
Isinglass	6	0	
Ivory	6	0	
Juice or syrup	6	0	
Junk	2	0	
Jute	3	0	
Kainit salt	1	0	
Kelp	2	0	
Kips	2	0	
Lac dye	6	0	
Lamp black	2	6	
Lard	4	0	
Lead—			
Pipe sheet black red white shot or sugar of	3	0	
Pig	2	0	
Leather or leather cuttings	6	0	
Leather boards	5	0	
Lifebuoys	6	0	
Lime	0	9	

2nd Sch. —*cont.*

	s.	d.
Lime—		
Chloride of	1	6
Phosphates of	2	0
Linseed cake	2	0
Liquorice	4	0
Litharge	3	0
Locust bean and kernels	2	0
Macaroni	4	0
Mace	6	0
Machinery—		
Electric motors	6	0
Adding calculating and sewing	6	0
Not otherwise enumerated	4	0
Madder and madder root	3	0
Magnesia	3	0
Magnesia sulphate of	1	6
Magnesite calcined	1	6
Malt	2	0
Manganese	1	6
Mangel wurzel	2	0
Manilla	4	0
Manna and manna croup	4	0
Manure—		
Farmyard and town refuse	1	0
Artificial—not otherwise enumerated	1	6
Marble rough	2	0
Marbles	6	0
Margarine	4	0
Masts	4	0
Matches	6	0
Materials—		
Builders' wood etc.—not otherwise enumerated ...	2	0
Railway contractors'—not otherwise enumerated ...	2	0
Shipbuilders' for new or old vessels—not otherwise enumerated	2	0
Mats	6	0
Meal barley oat pea rice and rye	3	0
Meats—		
Preserved	4	6
Fresh	4	0
Melting pots	6	0
Metal sheathing	2	0
Mica	2	0
Milk condensed	5	0
Mill boards	2	0
Mineral waters	6	0
Mineral white	2	6
Mohair	4	0
Molasses	3	0
Moss rock or Iceland	3	6
Mother-of-pearl shell	6	0
Motor chassis and parts cased	7	6
Motor cars complete	7	6

2ND SCH. —*cont.*

	s.	d.
Musical instruments	6	0
Mustard	6	0
Mustard hulls	6	0
Myrabolums	1	6
Nails and rivets	2	0
Naphtha	3	0
Nets fishing	6	0
Nickel	6	0
Nitrate of soda	2	0
Noils	3	0
Nutmegs	6	0
Nuts—		
For consumption as fruit	4	0
For extracting oil dyeing and manufacture	2	0
Oakum	2	0
Ochre	2	0
Oil fish nut seed and mineral—not otherwise enumerated	4	0
Oil-cake	2	0
Oil-cloth and floor-cloth	3	6
Onions	3	0
Orchilla weed	3	0
Ore—		
Chrome antimony cobalt and nickel	1	6
Copper lead and sulphur	1	0
Iron	0	10
Not otherwise enumerated	1	6
Paint	4	0
Paper and newsprint	4	0
Paper emery	4	0
Paper hangings	6	0
Peas split	2	0
Pelts	6	0
Pepper	6	0
Petroleum and paraffin	2	0
Phosphates	2	0
Phosphorus	6	0
Piassava or pera salva	4	0
Pickles	6	0
Pictures	6	0
Pimento	4	6
Pipes tobacco	6	0
Pitch	1	6
Pitch Burgundy	1	6
Plants	5	0
Plaster of Paris—		
In packages	1	6
Stone	1	0
Ploughs	4	0
Porcelain	4	0
Potatoes	1	6
Potash and potash salts	3	0
Potash muriate of and carbonate of	2	0

2nd Sch. —*cont.*

	s.	d.
Potash chlorate of	4	0
Pots chimney	2	0
Poultry	4	6
Pozzalana	4	0
Provisions—not otherwise enumerated	4	0
Preserved fruits etc.	4	0
Pulp for paper making	2	6
Pulp boards	4	0
Putty	2	0
Pyrites	1	6
Quicksilver	6	0
Rabbits and hares	3	0
Rabbits' skins	4	0
Rags	2	0
Railway plant and contractors' material	2	0
Rape cake	2	0
Retorts	2	0
Rhubarb	4	0
Rice	3	0
Rice cake meal sharps or dust	2	0
Rope and sails	4	0
Rope old	2	0
Rose leaves	4	0
Rosin	2	0
Rubber—		
Raw	3	6
Manufactures of	6	0
Rushes	2	0
Safflower	3	0
Sago	3	0
Saltpetre	2	0
Salt	1	6
Sal ammoniac	3	0
Sand ballast builders' or moulders'	0	9
Sausages	4	6
Sawdust	1	0
Saws	3	0
Seeds—		
Agricultural and forest	3	0
For crushing for oil	3	0
Not otherwise enumerated	5	0
Sewing machines	6	0
Shellac	6	0
Shoddy	2	0
Shovels spades sickles and scythes	4	0
Sumac	1	6
Silk—		
Raw manufactured or art silk yarn	7	6
Waste and rags	6	0
Size	2	0
Skins and hides	6	0
Slate	2	0

2ND SCH. —*cont.*

	s.	d.
Slate pencil	6	0
Slate writing in frames	4	0
Smalts	6	0
Snuff	4	0
Soap	3	0
Soda	2	0
Soot	2	0
Soups of all kinds	4	6
Spanish juice	4	0
Spelter	2	0
Spetches	3	0
Spices—not otherwise enumerated	6	0
Splints	4	0
Spirits and wine	6	0
Sponge	6	0
Starch and starch corn	2	6
Stearine waste or refuse	2	0
Steel (see Iron)		
Stone—		
Road and cliff	1	0
Polished and worked emery lithographic and pumice	2	6
Grave or mill	3	0
Flints	1	9
Grind	2	0
Statuary and works of art	6	0
Not otherwise enumerated	6	0
Stoves or grates	3	0
Straw—		
Common	3	0
Envelopes and boards	3	0
Manufactures—not otherwise enumerated	4	0
Succades	4	0
Sugar—		
Refined	4	0
Unrefined	3	6
Sulphur	2	0
Sheepwashers' dirt	2	0
Sulphates—not otherwise enumerated	6	0
Talc	2	0
Tallow	3	0
Tapioca	3	0
Tar	2	0
Tartar	3	0
Tartaric acid	3	0
Tea	4	0
Teazles	6	0
Terra japonica sienna and verde	3	0
Tiles	2	0
Tin—		
Ingots	3	0
Plates and scrap	2	0
Tincal	4	0
Tobacco	4	0

2nd Sch. —*cont.*		s.	d.
	Tow	4	0
	Toys	4	0
	Turmeric	4	0
	Turnips	2	0
	Turpentine	4	0
	Turf	2	0
	Twine	4	0
	Type metal	2	6
	Ultramarine	4	0
	Umber	4	0
	Valonia	3	0
	Varnish	4	0
	Vegetables—not otherwise enumerated	4	0
	Venetian red	4	0
	Verdigris	4	0
	Vermicelli	4	0
	Vermilion	6	0
	Vinegar	6	0
	Vitriol	4	6
	Waste wool or woollen yarn	5	0
	Waterglass	2	0
	Wax	5	0
	Weld or woad	4	0
	Whale fins or bone	4	0
	Whiting	2	0
	Willows	2	0
	Wine lees	2	0
	Wood—		
	Timber and deals of spruce fir pitch pine ash beech birch elm and oak	2	6
	For furniture and plywood	3	6
	For dyeing—not otherwise enumerated	3	0
	Not otherwise enumerated	4	0
	Wool and woollen goods	5	0
	Wolfram ore	2	0
	Yarn loose in bundles and waste	5	0
	Yeast	6	0
	Zaffers	5	0
	Zinc zinc nails spelter and sulphate of	2	0
	Zinc oxide	3	6
	Zinc dust	3	0

THE THIRD SCHEDULE.

PART I.
CORN MARKET.

	£	s.	d.
For each sample or sack of grain pulse meal or flour brought into the market	0	1	0
For every sack of grain pulse meal or flour brought into the market beyond the first sack of the same description	0	0	2
For the use of a double or whole stand the yearly sum of	8	8	0
For the use of a single or half stand the yearly sum of ...	6	6	0
For the right to sell in the market as a merchant without the use of a stand the yearly sum of	2	2	0

The above-mentioned tolls shall be payable in advance.

PART II.
CATTLE MARKETS.

	£	s.	d.
For each horse pony bull bullock cow or other beast or animal offered for sale by auction and whether sold or not	0	2	0
For every other horse or pony	0	0	8
For each ass or mule	0	0	4
For each bull bullock cow steer or heifer whether tied or not and if tied including use of tie	0	0	6
For each calf	0	0	2
For sheep rams lambs or goats per score	0	2	8
For each sheep ram lamb or goat under a score	0	0	2
For each pig	0	0	4
For every stallion or entire horse and for every other animal not before named in this schedule brought into the market for sale or for show...	0	2	0

And the above-mentioned tolls shall be payable for every head of such cattle for each day in which the same is placed in the market whether for sale or not.

PART III.
FAIRS AND MARKETS (OTHER THAN CORN MARKET AND CATTLE MARKETS).

	£	s.	d.
From every person occupying any space not specifically let on a tenancy by any shop stall bench vehicle basket box barrow cart van shed tent booth or otherwise for the purpose of exposing for sale any goods whatsoever or for the purpose of any exhibition amusement or recreation for every superficial square foot or fractional part of a superficial square foot of space so occupied the daily sum of	0	0	3
From every person exposing for sale any goods whatsoever who shall not otherwise be chargeable under this Part of this Schedule as occupying any ground space the daily sum of	0	6	0

3rd Sch —*cont.*

Part IV.

Slaughterhouses.

	s.	d.
(*a*) For 48 hours' lairage use of slaughter hall and 48 hours' hanging in cooling room—		
For every bull ox cow or bullock ... ... each	5	0
For every calf ... ... ,,	1	0
For every sheep or lamb ... ... ,,	1	0
For every pig ... ... ,,	2	0
For every other beast ... ... ,,	5	0
(*b*) For 24 hours' or part of 24 hours' extra lairage after the first 48 hours or for 24 hours' or part of 24 hours' lairage in connection with any cattle market—		
For every bull ox cow or bullock ... ... each	1	0
For every calf ... ... ,,	0	4
For every sheep or lamb ... ... ,,	0	2
For every pig ... ... ,,	0	4
For every other beast ... ... ,,	1	0

Part V.

Weighing and Measuring.

	s.	d.
(*a*) For goods not on a vehicle—		
For any quantity not exceeding 28 lbs. avoirdupois ...	0	1
For any quantity exceeding 28 lbs. but not exceeding 56 lbs. avoirdupois	0	2
For any quantity exceeding 56 lbs. but not exceeding 112 lbs. avoirdupois	0	3
For any quantity exceeding 112 lbs. avoirdupois for every 112 lbs. or fractional part thereof	0	3
(*b*) For measuring every quantity of goods sold by measure for every bushel or fractional part of a bushel	0	1
(*c*) For weighing vehicles with or without the loading thereof—		
Under 1 ton	0	6
And in addition for each ton or fraction of a ton over 1 ton	0	3

PRINTED BY SIR NORMAN GIBB SCORGIE, C.V.O., C.B.E.
Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
York House, Kingsway, London, W.C.2; 13a Castle Street, Edinburgh, 2;
39-41 King Street, Manchester, 2; 1 St. Andrew's Crescent, Cardiff;
Tower Lane, Bristol, 1; 80 Chichester Street, Belfast
OR THROUGH ANY BOOKSELLER

Price 4*s*. 0*d*. net

(70870)