## CHAPTER lxvii.

An Act to confer further powers upon the corporation of Rochdale with respect to their water gas electricity and markets undertakings to make better provision for the health local government and finance of the borough and for other purposes. [6th July 1937.]

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WHEREAS the borough of Rochdale (hereinafter referred to as "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation"):

And whereas by the Bury Rural District Electric Lighting Order 1905 (hereinafter referred to as "the Order of 1905") the former rural district council of Bury were authorised to supply electricity for all purposes within the area which then constituted the rural district of Bury:

And whereas the Order of 1905 was by a deed dated the eighteenth day of August one thousand nine hundred and nine transferred with the approval of the Board of Trade to the Lancashire Electric Power Company (hereinafter referred to as "the power company") who are the present undertakers for the purposes of that Order:

And whereas the power company are by the Lancashire Electric Power Acts 1900 to 1929 authorised to supply electricity for the purposes and subject to the

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conditions and restrictions mentioned in those Acts within an area which includes the whole of the area of supply under the Order of 1905:

And whereas by virtue of the Lancashire (Southern Areas) Review Order 1933 the rural district of Bury was abolished and the borough was extended as from the first day of October one thousand nine hundred and thirty-three so as to include a portion of the said rural district which prior to that date formed part of the parish of Birtle-cum-Bamford (hereinafter referred to as "the added area"):

And whereas the Corporation with the consent of the power company are supplying electricity to certain premises within the added area by virtue of orders made by the Electricity Commissioners under section 6 of the Electric Lighting Act 1909:

9 Edw. 7. c. 34.

And whereas it is expedient that the limits for the supply of electricity by the Corporation should be extended so as to include the added area and that the Corporation should be empowered to exercise within that area all or any of the powers conferred on them by the Rochdale Electricity Acts and Orders 1898 to 1925 and subsequent Acts relating to their electricity undertaking:

And whereas it is expedient that the Order of 1905 in so far as it relates to the added area should be revoked and the power company have agreed to such revocation subject to the condition that the rights and powers of the power company within the added area under the Lancashire Electric Power Acts 1900 to 1929 are not thereby diminished or prejudicially affected:

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their water gas electricity and markets undertakings respectively:

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

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

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 title.

**1.** This Act may be cited as the Rochdale Corporation Act 1937.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Water.
Part III.—Gas.
Part IV.—Electricity.
Part V.—Streets and buildings.
Part VI.—Sewers and drains.
Part VII.—Infectious disease and sanitary provisions.
Part VIII.—Sale of coke.
Part IX.—Finance and rates.
Part X.—Miscellaneous.

Incorporation of Acts. 62 & 63 Vict. c. 19.

**3.** The schedule to the Electric Lighting (Clauses) Act 1899 (as amended by the Electricity (Supply) Acts 1882 to 1936) except subsection (1) of section 7 section 83 and section 84 so far as the same is applicable to the purposes of and is not inconsistent with the provisions of this Act is hereby incorporated with and forms part of this Act.

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PART I. —*cont.*

Interpretation.

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

**4.** Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Act 1936 meanings are assigned shall in this Act have in relation to the relative subject matter the same respective meanings And in this Act—

"The borough" means the borough of Rochdale;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The town clerk" "the surveyor" "the medical officer" and "the sanitary inspector" mean respectively the town clerk the surveyor the medical officer of health and any sanitary inspector of the borough;

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

"The Minister" means the Minister of Health;

3 Geo. 4. c. lviii.

"The Act of 1822" means the Act 3 Geo. IV. cap. lviii intituled "An Act for providing an "additional Market Place in and for the Town "of Rochdale in the County Palatine of "Lancaster";

35 & 36 Vict. c. cxlix.

"The Act of 1872" means the Rochdale Improvement Act 1872;

15 & 16 Geo. 5. c. xliv.

"The Act of 1925" means the Rochdale Corporation Act 1925;

22 & 23 Geo. 5. c. xi.

"The Act of 1932" means the Rochdale Corporation Act 1932;

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

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

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

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

"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 Local Government Act 1933;

"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;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation; and 38 & 39 Vict. c. 83.

"Telegraphic line" has the same meaning as in the Telegraph Act 1878. 41 & 42 Vict. c. 76.

## PART II.

## WATER.

Power to prohibit use of hose-pipe.

**5.**—(1) If the Corporation are of opinion that by reason of drought or any other cause the water supply of the Corporation should be conserved the Corporation may by resolution prohibit within the limits within which the Corporation are from time to time authorised to supply water the drawing or user of water through any hose or moveable pipe.

(2) The Corporation shall within seven days from the passing of a resolution under this section give public notice of such resolution in one or more newspapers circulating within the borough.

(3) Any person who shall after the expiration of seven days from the passing of a resolution under

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Part II. —*cont.*

this section fail to comply with the prohibition of the Corporation shall for every such offence be liable to a penalty not exceeding five pounds.

(4) No water charge shall be made by the Corporation in respect of any hose or moveable pipe during such period as a prohibition of the Corporation under this section shall be in force.

Cisterns to be provided for high level supplies.

**6.** The Corporation may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the top water level of the service reservoir from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Corporation shall not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

## Part III.

## Gas.

Power to lay pipes for ancillary gas purposes.

**7.** The Corporation may within the limits within which the Corporation are from time to time authorised to supply gas lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with the gas undertaking of the Corporation as from time to time authorised and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable to the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof:

10 & 11 Vict. c. 15.

Provided that no such main pipe or culvert shall be laid down in any street without the consent in writing of the authority or body who may be liable to maintain the same having been first obtained but such consent shall not be unreasonably withheld and any difference

arising between the Corporation and such authority or body shall be determined by arbitration. A.D. 1937.

PART III. —*cont.*

Extension of section 4 of Gas Undertakings Act 1929. 19 & 20 Geo. 5. c. 24.

**8.** In addition to the powers conferred upon them by section 4 of the Gas Undertakings Act 1929 the Corporation may purchase and may sell liquid butane or liquid propane or any other similar liquid which is intended to be converted into gas and which is derived from a process other than the process of carbonisation or gasification of coal or coke and may also use such liquid for the enrichment of gas supplied by them.

For prevention of improper use of gas.

**9.** If any consumer supplied with gas by the Corporation improperly uses or deals with the same so as to interfere with the efficient supply of gas by the Corporation to any other person the Corporation may if they think fit cease to supply gas to such consumer.

As to charges for gas fittings &c.

**10.** If the Corporation commence proceedings for the summary recovery of a sum due for the supply of gas any other sum due to the Corporation by the same consumer for the sale hire connection repair or maintenance of meters pipes fittings apparatus and appliances for lighting heating or motive power may be included in the same summons and may be recovered summarily as a civil debt provided the amount due in respect thereof does not exceed twenty pounds.

Fraudulent abstraction of gas.

**11.** Any person who for the purpose of operating any prepayment meter through which gas is supplied to him or to premises occupied by him frequently or habitually uses any thing other than the coin of the realm by which such prepayment meter is designed and intended to be operated shall be liable to a penalty not exceeding forty shillings.

## PART IV.

### ELECTRICITY.

Extension of electricity limits.

**12.**—(1) The electricity limits shall be extended by the inclusion therein of so much of the borough as prior to the coming into operation of the Lancashire (Southern Areas) Review Order 1933 formed part of the township of Birtle-cum-Bamford in the rural district of Bury which portion of the borough is in this section referred to as "the added area."

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Part IV. —*cont.*

(2) The Corporation may within or in respect of the added area exercise all or any of the powers conferred on the Corporation by the Rochdale Electricity Acts and Orders 1898 to 1925 and subsequent Acts relating to the electricity undertaking.

(3) The Corporation shall within six months from the passing of this Act deposit at the office of the Electricity Commission an Ordnance map on a scale of not less than six inches to the mile showing the boundaries of the added area.

(4) The Bury Rural District Electric Lighting Order 1905 in so far as it relates to the added area is hereby revoked but without prejudice to anything done or suffered thereunder Provided that nothing in this section shall limit or prejudicially affect any of the powers or rights of the Lancashire Electric Power Company within the added area under the Lancashire Electric Power Acts 1900 to 1929 or any Act which may be passed in the present session of Parliament amending or extending those Acts.

Power to break up streets.

**13.** Subject to the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act the Corporation are specially authorised by and for the purposes of this Part of this Act to break up the under-mentioned streets and part of a street in the borough not repairable by the local authority :—

Sand Hole Lane from Bury Road to Tyrone Crescent.
South View.
Belgium Street.
Mayfield Street.
Dixon Closes.
Smithy Field.
Closes.
Grove Terrace.
Dixon Fold.
Diggles.
Kenyon Fold.
Meadowcroft Lane.
Arthur Pits.

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PART IV. —*cont.*

Acquisition of land for sub-stations.

**14.** The Corporation may be authorised from time to time to purchase compulsorily land within the electricity limits for the purpose of the erection thereon of a station for transforming converting or distributing electricity by means of a compulsory purchase order made by the Corporation and submitted to the Minister of Transport and confirmed by him and sections 161 162 and 174 and paragraphs (*a*) (*b*) and (*c*) of section 179 of the Local Government Act 1933 and the Sixth Schedule to that Act shall subject to the provisions of this section apply in relation to the purchase of land under this section with any necessary modifications and with the substitution of the Minister of Transport for the Minister Provided that anything which under the Local Government Act 1933 has to be prescribed shall for the purposes of this section be prescribed by the Minister of Transport in such manner as he may think fit:

Provided also that nothing in this section shall apply to any land which forms part of land in use as an aerodrome licensed pursuant to an order made under the Air Navigation Acts 1920 and 1936.

10 & 11 Geo. 5. c. 80. 26 Geo. 5. & 1 Edw. 8. c. 44.

As to county roads. 45 & 46 Vict. c. 56.

**15.** For the purposes of section 13 of the Electric Lighting Act 1882 and section 12 of the schedule to the Electric Lighting (Clauses) Act 1899 in the application of those sections to the electricity limits a county council shall be deemed to be a local authority.

For determining stand-by supplies. 12 & 13 Geo. 5. c. 46.

**16.** If any question shall arise under section 23 of the Electricity (Supply) Act 1922 as to whether a supply of electricity is demanded or received for the purpose of a stand-by supply only or as to whether a supply of electricity or of gas steam or other form of energy is in use or ready for use for the purposes for which a stand-by supply of electricity is required the same shall in default of agreement be determined by arbitration in manner provided by the Electricity Supply Acts 1882 to 1936.

Fraudulent abstraction of electricity.

**17.** Any person who for the purpose of operating any prepayment meter through which electricity is supplied to him or to premises occupied by him frequently or habitually uses any thing other than the coin of the realm by which such prepayment meter is

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Part IV. —*cont.*

Protection of seals &c. belonging to Corporation. 34 & 35 Vict. c. 41.

designed and intended to be operated shall be liable to a penalty not exceeding forty shillings.

**18.**—(1) The provisions of section 38 of the Gasworks Clauses Act 1871 as incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted or affixed by the Corporation in or to any electric line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus.

(2) If any person accidentally injures or detaches or suffers to be injured or detached any such sealing or locking device as aforesaid he shall within forty-eight hours of such injury or detachment give notice in writing thereof to the Corporation and any person who fails to comply with the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

Further powers as to entry upon premises.

**19.**—(1) The powers conferred on the Corporation by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows:—

(*a*) The premises which may be entered shall include all premises in the electricity limits in which electric fittings are being or have been installed with a view to taking a supply of electricity from the Corporation;

(*b*) The purposes for which premises may be entered shall include the following purposes that is to say the inspection of all meters and electric fittings on the premises whether belonging to the Corporation or not the ascertainment of whether or not there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking or of any regulation or byelaw made thereunder and where the Corporation are authorised under the provisions of any such Act Order regulation or byelaw to cut off the supply of electricity to the premises the cutting off of such supply.

The Corporation shall not have any power of entry into any such premises except through an officer

duly authorised by the Corporation who shall produce his authority.

(2) Any person who shall refuse to admit any such officer to any premises which he is entitled to enter in pursuance of the said section 24 as amended by this section or shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section 24 as amended by this section 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 " electric fittings " include electric lines meters accumulators fittings works and apparatus for the supply of electricity.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by a railway company for the purposes of their railway or forming part of any station or goods depot.

Summary recovery of sums due for electricity and fittings &c.

**20.** If the Corporation commence proceedings for the summary recovery of a sum due for the supply of electricity any other sum due or payable to the Corporation in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of electricity or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

## Part V.

### Streets and buildings.

Development scheme may be required in connection with new streets.

**21.**—(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

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Part V. —*cont.*

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 lands nor his successors in title shall carry out the development of such lands 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.

Adjustment of boundaries of streets.

**22.**—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner 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.

(2) 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.

(3) 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 and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

(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.

Amendment of section 119 of Act of 1872.

**23.** The plan and longitudinal section furnished to the Corporation under section 119 (Plans and sections to be furnished to Corporation) of the Act of 1872 shall be drawn to a scale of one inch to forty-four feet horizontal instead of to a scale of one inch to thirty feet horizontal and accordingly that section shall have effect as if "forty-four" were inserted therein instead of "thirty."

Amendment of section 129 of Act of 1872.

**24.** Section 129 (Footways of streets) of the Act of 1872 shall be read and have effect as if the words "no new buildings in such street shall be occupied or used for any purpose" were inserted therein before the words "until the side" and as if the word "building"

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Part V. —*cont.*

were inserted therein in lieu of the words "intended buildings."

Amendment of section 136 of Act of 1872.

**25.** The block plan furnished to the Corporation under section 136 (Plans and sections) of the Act of 1872 shall be drawn to a scale of not less than one inch to forty-four feet instead of to a scale of one inch to thirty feet and accordingly that section shall have effect as if "forty-four" were inserted therein instead of "thirty."

As to evasion by owners of private street works expenses. 38 & 39 Vict. c. 5.

**26.** If—

(i) any owner of land fronting adjoining or abutting on a street within the meaning of section 150 of the Public Health Act 1875 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 section 150 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 section 150;

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 section 150 of the Public Health Act 1875 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.

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Part V. —*cont.*

Crossings for horses or vehicles over footways.

**27.**—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor cycle in passing to and from such premises the Corporation may either—

(*a*) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(*b*) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(3) If the Corporation allow the use of a footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor cycle subject to any condition other than the strengthening or adaptation of the footway any person who knowingly uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so

7 Edw. 7. c. 53.

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PART V. —*cont.*

deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

As to erection of retaining walls.

**28.**—(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 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 the erection by a railway company under statutory powers of a retaining wall which is to form part of or is necessary for the maintenance of their railway.

Amendment of article II of Order of 1906.
6 Edw. 7. c. civ.

**29.** Article II (Provisions with regard to accommodation in new dwelling-houses) of the Rochdale Order 1906 shall be read and have effect as if—

(1) The following paragraph were inserted therein in lieu of paragraph (*a*) of the article :—

"(*a*) Every new dwelling-house shall contain at least two rooms each of which shall except with the consent of the Corporation have a fireplace and a flue properly constructed and properly connected with the fireplace and shall in other respects accord with such requirements of the local Act or of any byelaw as are applicable to a room

used or intended to be used as a living room or a sleeping room and shall have a superficial area of not less than one hundred and twenty square feet"; and

(2) The following proviso were inserted at the end of paragraph (*b*) of the article:—

"Provided that where more than two sleeping rooms are provided the additional rooms may have a superficial area of not less than sixty-five square feet."

Elevations of new buildings.

**30.**—(1) Section 61 of the Public Health Act 1936 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a new building in any street specified in the byelaws shall furnish the Corporation with drawings or other sufficient indication of the design or external appearance of the building including such indication of the material to be used in its construction as may be necessary for the purpose (which drawings and particulars are in this section included in the expression "specifications").

(2) Where the specifications of any building proposed to be erected are required to be submitted to the Corporation by a byelaw made under the said section 61 as extended by this section the Corporation shall within one month after the submission to them of the specifications by notice in writing—

(*a*) approve the specifications; or

(*b*) if they shall consider that having regard to the character of the locality and of the neighbouring buildings in the street the building to which the specifications relate would seriously disfigure the street whether by reason of the height of the building or its design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds for the disapproval.

(3) The grounds on which a person may appeal against any such disapproval to a court of summary jurisdiction under the section of this Act of which the marginal note is "As to appeals" shall include the ground that compliance with the Corporation's decision

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Part V. —*cont.*

would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building have been disapproved under this section it shall not be lawful to erect the building until the specifications thereof have been approved by the Corporation and any person who offends 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.

(5) The provisions of this section shall to the extent that the subject matters thereof are dealt with by provisions in a planning scheme coming into operation after the passing of this Act cease to have effect upon the coming into operation of such provisions.

Elevation of buildings erected on front lands to require approval.

**31.**—(1) Where by reason of any improvement made by the Corporation within 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 shall construct—

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

(*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 one month 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.

Prevention of obstructive buildings.

**32.**—(1) If the medical officer be of opinion that any building proposed to be erected would if erected—

(*a*) stop ventilation or otherwise make or conduce to make other buildings in its proximity to be in a condition unfit for human habitation or dangerous or injurious to health; or

(*b*) prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other building;

he may make a representation to the Corporation to that effect stating that in his opinion it is inexpedient that the proposed building should be erected.

(2) The Corporation on receiving any such representation shall cause a report to be made to them respecting the proposed building and on receiving such report shall take into consideration the representation and report and if they decide to proceed shall cause a copy of both the representation and report to be given to the person proposing to erect the building with notice of the time and place appointed by the Corporation for the consideration thereof and such person shall be at liberty to attend and state his reasons why the building should be allowed to be erected and after hearing him the Corporation shall either allow the erection of the building or make an order directing that the proposed building shall not be erected.

(3) Any such order prohibiting the erection of an obstructive building shall be subject to appeal in like manner as a demolition order made by a local authority under Part II of the Housing Act 1936.

26 Geo. 5. & 1 Edw. 8. c. 51.

As to neglected sites.

**33.**—(1) For the purposes of 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;

"owner" in relation to a neglected site means a person other than a mortgagee not in

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Part V. —*cont.*

possession who is for the time being entitled to dispose of the fee simple of the neglected site whether in possession or in reversion and includes also a person holding or entitled to the rents and profits of the neglected site under a lease or agreement the unexpired term whereof exceeds three years.

(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 such ground as aforesaid and execute the order.

Means of access to buildings.

**34.**—(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 commenced 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 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

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PART V. —*cont.*

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.

(5) Any person appealing (under the section of this Act of which the marginal note is "As to appeals") against any requirement of the Corporation under this section shall do so within fourteen days after the date of the receipt of the notice of such requirement.

Projecting signs.

**35.**—(1) After the date of the passing of this Act no person shall without the consent of the Corporation erect or place against or in front of any house or building any projection for advertising purposes—

(*a*) which extends for more than two feet over any street; or

(*b*) which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) The consent of the Corporation under this section shall not be withheld except on the ground that in their opinion the projection would be objectionable by reason of its size construction or situation or would be a danger or an injury to the amenities of the street and such consent may be given subject to such terms and conditions as the Corporation may think fit.

(3) Any person who offends against the provisions of this section or the terms or conditions (if any) of such consent shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Window blinds &c.

**36.**—(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

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Part V. —*cont.*

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.

For protection of London Midland and Scottish Railway Company.

**37.** Nothing in the sections of this Act whereof the marginal notes are :—

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

" Prevention of obstructive buildings " ;

shall apply to any building or land belonging to the London Midland and Scottish Railway Company and used by them for the purposes of their undertaking.

## Part VI.

### Sewers and drains.

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

**38.**—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in or under 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 the sewer compensation became due to the owner of any land in on or over 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 the sewer this section shall not apply to the length of sewer or

to such part thereof as was constructed in on or over 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 last preceding section.

**39.**—(1) The sum apportionable under the last preceding section 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 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.

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 but 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 street was laid out 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.

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For the purposes of this subsection—

(*a*) a building shall be deemed to be a new building erected after the date when the street was laid out 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 street was laid out.

25 & 26 Geo. 5. c. 47.

(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) 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.

(8) 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 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 Public Health Act 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say) :—

Subsections (2) to (4) of section 291;

Subsection (2) of section 293;

Section 329.

Separate sewers for sewage and surface water.

**40.** For the purpose of facilitating the disposal of surface water and sewage the powers of the Corporation under section 157 of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street within the borough to provide separate sewers for the reception of surface water and of sewage respectively.

Certain matters from hotels shops garages &c. not to be discharged into sewers.

**41.** The Corporation may make byelaws for preventing—

(*a*) grease and fat from any club hotel public-house inn slaughterhouse butcher's shop fried fish shop or similar premises; or

(*b*) any oil or grease from any stable garage motor works or similar premises;

from being discharged or thrown or suffered to be discharged or thrown or to pass into any public sewer or into any drain or private sewer connecting with a public sewer.

## PART VII.

### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Removal of infirm and diseased persons in certain cases.

**42.**—(1) If the medical officer certifies in writing that any person in the borough—

(*a*) 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

(*b*) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper

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Part VII. —*cont.*

care and attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such person and 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 to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with this section.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid 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 a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be:

Provided that where the institution to which the said person 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

19 & 20 Geo. 5. c. 17.

of the said person and his dependants as may be agreed between that authority and the Corporation.

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

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to a court of summary jurisdiction acting for the same place as the court which made the order by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation 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 the provisions of this section for the removal of any person to any hospital or other institution without the consent in writing of the authority or body having the control thereof.

Registration of hawkers of meat fish fruit and vegetables and premises.

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

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

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(*b*) any premises used or proposed to be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from a cart or other vehicle or from a basket barrow or other receptacle;

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

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

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

(3) Any person who offends 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.

(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 in writing 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 meat or meat food product or fish or fruit or vegetables as the case may be or (as regards any such premises) that such premises 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

in whose name such premises are registered a notice appear before them not less than seven days after e date of the notice to show cause why the Corporation ould not for reasons to be specified in the notice efuse to register or revoke the registration of the erson or premises Any such notice shall state the ffect of paragraphs (*b*) and (*c*) of this subsection.

(*b*) If the Corporation refuse to register or revoke he 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 meat or meat food product or fish or fruit or vegetables intended for sale from a cart or other vehicle or from a basket or barrow.

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

(7) In and for the purposes of this section—

"meat" means the flesh of cattle swine sheep or goats including bacon and ham and edible offal and fat which is sold or intended for sale for human consumption;

"meat food product" means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

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(8) Any person registered with the Corporatio under subsection (1) of this section may notwithstandin the provisions of section XLII (No cattle &c. to b slaughtered in any shop or standings in the new marke place &c.) of the Act of 1822 sell or offer or expose fo sale in any part of the borough any meat or meat food product or fish or fruit or vegetables.

Registration of premises used in connection with sale of ice-cream or preserved food.

**44.**—(1) No premises shall be used for any of the following purposes (that is to say):—

(*a*) the sale or the manufacture for purposes of sale of any commodity consisting of ice-cream or any substance similar thereto or the storage of any such commodity intended for sale; or

(*b*) the preparation or manufacture of sausages or potted pressed pickled or preserved meat fish or other food intended for sale;

unless the premises are registered under this section for that purpose by the Corporation.

(2) If any person uses any premises in contravention of this section he shall be guilty of an offence and liable to a fine not exceeding forty shillings and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(3) Every application for the registration of premises under this section shall be made by the owner or occupier of the premises or by the person intending to occupy them.

(4) If the Corporation are satisfied that any premises are unsuitable for use for any purpose for which they have been registered under this section or for which application for registration has been made under this section the Corporation may serve upon—

(*a*) the occupier for the time being of the premises or the person on whose application they were registered; or

(*b*) the person applying for registration;

as the case may be a notice requiring him to appear before them on such day not being earlier than seven days after the date of the notice as may be specified therein in order to show cause why the Corporation should not for the reasons specified in the notice cancel the registration of the premises for the said purpose

or refuse the application and if that person fails to show cause to the satisfaction of the Corporation why they should not do so the Corporation may cancel the registration of the premises for that purpose or refuse the application Any such notice shall state the effect of the two next succeeding subsections.

(5) If the Corporation cancel the registration or refuse the application they shall if required by such occupier or person as aforesaid deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such cancellation or refusal is based.

(6) Any person appealing (under the section of this Act of which the marginal note is "As to appeals") against any decision of the Corporation under this section shall do so within fourteen days after the date of such decision.

(7) 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 any premises in the borough to which he has reasonable cause to believe that the provisions of this section apply for the purpose of ascertaining—

(*a*) whether there is occurring therein any contravention of the said provisions; or

(*b*) in the case of premises which have been registered by the Corporation under this section for any of the purposes specified in subsection (1) thereof or in respect of which application for such registration for any of those purposes has been made to them whether the premises are suitable for that purpose or any of the purposes specified in subsection (1) of this section:

Provided that in exercising the powers conferred on them by this section at any premises owned or used by a railway company the Corporation shall conform to such reasonable requirements of the company as are necessary to prevent obstruction to or interference with the working of the traffic of the railway thereat and the railway company shall not be liable for any accident or injury happening to any officer servant or agent of the Corporation upon any lines of rails belonging to the company or upon any land immediately adjoining any such lines of rails.

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PART VII. —*cont.*

(8) For the purpose of this section the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(9) In relation to any premises used as a theatre music hall or cinema this section shall have effect as if in paragraph (*a*) of subsection (1) of this section the words "the sale or" and the words "or the storage of any such commodity intended for sale" were omitted therefrom.

(10) This section shall not apply in relation to any premises used as a club hotel or restaurant.

As to filthy premises.

**45.**—(1) (*a*) If the owner of any dwelling-house or premises occupied therewith within the borough represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the Corporation are satisfied of the truth of the representation of such owner the occupier shall be liable on the complaint of the medical officer to a court of summary jurisdiction to be ordered to vacate the dwelling-house or premises for such time to be specified in the order as may be reasonably required for remedying the condition of the dwelling-house or premises by cleansing disinfecting or white-washing or taking such other steps as may be necessary for such purpose.

(*b*) Any order made under this section may be enforced in the manner provided by section 34 of the Summary Jurisdiction Act 1879.

42 & 43 Vict. c. 49.

(2) The Rent and Mortgage Interest Restriction Acts 1920 to 1925 shall not be deemed not to apply to a dwelling-house or premises by reason only of the fact that such dwelling-house or premises have been vacated in compliance with an order made under this section.

(3) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

## Part VIII.

### Sale of coke.

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

**46.** The provisions of sections 20 to 29 inclusive of the Weights and Measures Act 1889 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.

**47.** 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.

Application of Part VIII of Act.

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

Notice to be given of Part VIII of Act.

**49.**—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in a newspaper published or circulating in the borough.

(2) Copies of the newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

## Part IX.

### Finance and rates.

Power to borrow.

**50.** The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the

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Corporation may determine not exceeding five years from the passing of this Act.

Closing of registers.

**51.**—(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 upon 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.

**52.**—(1) The Corporation may give notice to any person being registered as a holder of any authorised security (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.

(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 contrary notice has been given to the Corporation by any other of them.

(3) The posting by the Corporation of a letter containing an order for the payment of interest or a dividend warrant under the powers 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 such 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 to be a banker within the Bills of Exchange Act 1882.

45 & 46 Vict. c. 61.

Amendment of section 167 of Act of 1925.

**53.** Section 167 (Revenue and expenses of trading undertakings) of the Act of 1925 shall be read and have effect as if the words "(4) the electricity undertakings and (5) the markets undertaking" were substituted for the words "and (4) the electricity undertaking."

Amendment of section 168 of Act of 1925.

**54.** Section 168 (Separate accounts in respect of certain undertakings) of the Act of 1925 shall be read and have effect as if the words "the electricity undertaking and the markets undertaking" and the words "in the "case of the electricity undertaking to one-fifth and in "the case of the markets undertaking to one-tenth" were respectively substituted for the words "and the electricity undertaking" and the words "and in the case of the electricity undertaking to one-fifth."

Renewal and repairs fund.

**55.**—(1) The Corporation may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called "the renewal and repairs fund" (*a*) any sum not exceeding an amount equal to twenty per centum of the cost incurred by the Corporation (otherwise than for the purposes of the water gas electricity tramways and markets undertakings of the Corporation) in connection with the provision of horses carts mechanically propelled vehicles motor boats stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year and (*b*) any sum not exceeding the average annual cost incurred by the Corporation during the previous three years in connection with the maintenance and repair of buildings (not being buildings comprised in the water gas electricity tramways and markets undertakings of the Corporation or buildings in respect of which the Corporation are required to keep a housing repairs account under the provisions of any general enactment for the time being in force).

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed fifteen thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works equipment and buildings referred to in subsection (1) of this section and shall be

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Part IX. —*cont.*

so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

(4) (*a*) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (3) of this section such moneys shall be either invested in statutory securities or used in the manner provided by section 158 (Consolidated loans fund) and section 161 (Use of moneys forming part of sinking and other funds) of the Act of 1925.

(*b*) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

Amendment of section 158 of Act of 1925.

**56.** The provisions of section 158 (Consolidated loans fund) of the Act of 1925 shall be read and have effect as if the following subsections were inserted therein :—

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

(7) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve renewal and repair depreciation contingency insurance superannuation capital or other similar fund (hereinafter referred to as 'the lending fund') and not for the time being required 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*) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid 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.

(8) Any such scheme as is referred to in subsection (5) of this section may be altered amended or revoked by a further scheme made in like manner as the original scheme."

As to payments due to deceased employees.

**57.**—(1) On the death of an employee to whom a sum not exceeding one hundred pounds is due on account of salary wages superannuation allowance or grant if probate of the will of the employee or letters of administration of his estate are not produced within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay the sum to the person or persons entitled in distribution to the residuary estate of the employee in accordance with the provisions of paragraphs (i) to (v) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 and in default of any such person to the Solicitor for the Affairs of His Majesty's Treasury :

15 & 16 Geo. 5. c. 23. 16 & 17 Geo. 5. c. 60.

Provided that—

(*a*) the Corporation may if they think fit pay to any person who has paid the funeral expenses of the deceased employee such amount (not exceeding the total amount of such expenses) as the Corporation shall deem it reasonable to allow;

(*b*) if the Corporation receive notice in writing of any claim of a creditor of the deceased employee before the expiration of one month from the death of the employee they shall retain the whole amount due to the deceased employee in their hands or a sufficient part thereof to satisfy the claim (whichever amount shall be the less) until the said claim has been satisfied disproved or withdrawn.

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Part IX. —*cont.*

(2) The Corporation before paying or distributing any moneys under this section to or among any person or persons other than the legal personal representative of the deceased employee shall require—

(*a*) where the total estate of the deceased employee including the amount of such moneys does not after deduction of debts and funeral expenses exceed one hundred pounds a declaration to that effect by the person or one of the persons to or among whom the Corporation propose to pay or distribute such moneys; and

(*b*) where the total estate of the deceased employee including the amount of such moneys but after deduction of debts and funeral expenses exceeds one hundred pounds the production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and of a duly stamped receipt for the legacy or succession duty payable in respect of such moneys or of a certificate stating that no legacy or succession duty is payable.

(3) The Corporation and any officer of the Corporation making any payment under the provisions of this section shall be discharged from all liability in respect of such payment and the receipt of the person to whom any such payment is made shall be a good and sufficient discharge to the Corporation for the sum paid.

Power to grant allowances or gratuities in certain cases. 15 & 16 Geo. 5. c. 84. 12 & 13 Geo. 5. c. 59.

**58.**—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1925 and not entitled to benefits under the Local Government and other Officers' Superannuation Act 1922 grant a weekly or other periodical allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out

of which the salary wages or emoluments of such officer or servant would have been charged or been paid if he had continued in his office or service.

Recovery of rates from tenants and lodgers. 15 & 16 Geo. 5. c. 90.

**59.** For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

Rates may be recoverable from owner where they are included in rent.

**60.**—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rates of the borough charged on such hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of general rates included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions in and subject to which rates are recoverable from occupiers of rated hereditaments The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of the general rates of the borough.

(2) For the purposes of this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

Recovery of rate &c. from persons removing.

**61.** If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate or any water gas or electricity rate or charge which may be due from him and intends to evade payment of the same the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector or other authorised officer of the Corporation to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

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## Part X.

### Miscellaneous.

Powers of Corporation as to markets &c.

**62.** The Corporation shall have the following powers in relation to the markets undertaking :—

(1) They may continue enlarge improve and extend the existing markets and alter the places at which the markets respectively are or may be held and establish and hold new markets and discontinue the whole or any part of any such existing or new markets :

(2) They may continue any existing and provide new market-places for the sale of any marketable commodities or of cattle or other animals :

(3) They may alter enlarge improve extend reconstruct and rebuild their existing market-houses or erect or provide and maintain new buildings therefor :

(4) They may in connection with or as part of any existing or new market-house or other building or market-place or any of their markets or the markets undertaking maintain any existing and erect or provide new offices shops stores warehouses buildings approaches market stands appliances conveniences and things :

(5) They may for the aforesaid purposes or any of them or for any purpose of or in connection with any of their markets or the markets undertaking appropriate and use (subject to the approval of the Minister) any lands for the time being vested in or belonging to them :

(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 lands are held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or the Board 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.

Cold air store.

**63.**—(1) For the purposes of this section "cold air store" means a cold air store or refrigerator with all machinery apparatus and appliances necessary for the proper working and use thereof and for the storage and preservation of meat and other articles of food.

(2) The acquisition by the Corporation of the cold air store now vested in them is hereby confirmed and shall be valid in all respects notwithstanding that the consent of the Minister as required by section 71 of the Public Health Act 1925 was not obtained.

15 & 16 Geo. 5. c. 71.

Power to lease stalls shops &c. in markets.

**64.** Notwithstanding anything in the Act of 1872 the Corporation may let to any person for such term and upon such conditions as they may think fit any office shop store warehouse tenement building stall stand bench ground space or other convenience situate in any of their markets or forming part of or acquired or erected in connection with the markets undertaking.

As to personal weighing machines.

**65.**—(1) In this section the expression "personal weighing machine" means any weighing machine which is used or exposed for use in the borough 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 date of this Act every person who has in his possession or under his control any personal weighing machine which is not so marked shall be liable to a penalty not exceeding 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

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PART X. —*cont.*

last preceding subsection of this section he shall be liable to a penalty not exceeding five pounds and if any person 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.

(5) (*a*) Any inspector of weights and measures of the Corporation may at all reasonable times inspect and examine any personal weighing machine in the 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 he has reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine.

(*b*) Any person who neglects or refuses to produce for such inspection any 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 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 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;

(*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.

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PART X. —*cont.*

Byelaws as to hawking.

**66.**—(1) The power to make byelaws conferred on the Corporation by section 249 of the Local Government Act 1933 shall enable the Corporation to make byelaws for the regulation of the hawking by persons other than licensed hawkers of any meat butter poultry eggs garden produce potatoes roots vegetables and fish within a distance of three-quarters of a mile from the town hall of the borough including the prohibition or restriction of such hawking during such hours and in such streets as shall be prescribed in such byelaws for either of such last-mentioned purposes and the provisions of that Act shall apply accordingly.

(2) As from the date of the coming into force of any byelaws made in pursuance of this section section XLII (No cattle &c. to be slaughtered in any shop or standings in the new market place &c.) of the Act of 1822 shall be and is hereby repealed.

As to evasion of expenses of maintenance of river banks.

**67.** If—

(i) the owner of any lands buildings or hereditaments adjoining or abutting upon the sides of any of the tributaries of the river Roch within the borough conveys sells or otherwise disposes of the part or any portion of the part of those lands buildings or hereditaments which adjoin or abut upon the sides of any of the tributaries of the river Roch; and

(ii) any costs charges and expenses are incurred by the Corporation in pursuance of section 50 (Power of Corporation to enforce maintenance of the banks of the river Roch and its tributaries within borough) of the Act of 1872 as amended by the Act of 1932 in or in relation to that part of the banks or walls of any of the tributaries of the river Roch to or upon which such part or portion of those lands buildings or hereditaments adjoin or abut; and

(iii) the Corporation are unable to recover such costs charges and expenses in whole or in part from the person to whom such part or portion of those lands buildings or hereditaments were conveyed sold or disposed of; and

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Part X. —*cont.*

(iv) a court of summary jurisdiction is satisfied that such conveyance sale or disposal was intended for the purpose of evading the payment of any costs charges and expenses under the Act of 1872 as amended by the Act of 1932;

then such costs charges and expenses or so much thereof as has not been recovered by the Corporation shall to such extent as the said court may determine be paid to the Corporation by that owner.

Disused petroleum vessels.

**68.**—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose remains on any premises the occupier (or if there be no occupier the owner) of the premises shall take all such steps as may be reasonably necessary to prevent danger from such vessel.

(2) Any officer of the Corporation duly authorised by them may on producing a copy of his authority purporting to be signed by the town clerk require the occupier (or if there be no occupier the owner) of any premises on which is situate any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose to show him such vessel and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

(3) Any person failing to comply after due warning with the provisions of subsection (1) of this section and any person who obstructs any such officer as aforesaid in carrying out his duty under subsection (2) thereof shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In this section the expression "petroleum spirit" has the meaning assigned to it by the Petroleum (Consolidation) Act 1928.

18 & 19 Geo. 5. c. 32.

Compensation for injuring lamps &c.

**69.** Every person who negligently breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand-bin or life-saving apparatus

r notice board or any other property of the Corporation shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding ten pounds shall be recoverable summarily as a civil debt.

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.

(2) Nothing contained in this section shall affect the duty of the Corporation under section 58 of the Road Traffic Act 1930. 20 & 21 Geo. 5. c. 43.

Noise nuisance.

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

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

(2) 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 and where such noise (*a*) is injurious or dangerous to health and (*b*) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means within the meaning of the said Act of preventing or mitigating it have been adopted.

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PART X. —*cont.*

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

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

Undertakings &c. to bind successive owners.

**72.**—(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 shall be entitled to require from the Corporation a copy of such undertaking or agreement.

(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.

Byelaws.

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

(*a*) in the case of byelaws made under the section of this Act of which the marginal note is "As to personal weighing machines" the Board of Trade; and

(*b*) in all other cases the Minister.

Restriction on right to prosecute.

**74.** Section 298 of the Public Health Act 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 (Water) Part III (Gas) and Part IV (Electricity) hereof or by or under the section of this Act of which the marginal note is "Byelaws as to hawking."

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PART X. —*cont.*

Commencement of certain provisions of Act.

**75.**—(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 registration of any person or premises the application for the 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 marginal notes are—

"Registration of hawkers of meat fish fruit and vegetables and premises"; and

"Registration of premises used in connection with sale of ice-cream or preserved food".

(4) As respects any of the said provisions which requires the 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 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."

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Part X. —*cont.*

Commencement of certain other provisions of Act.

**76.** The sections of this Act of which the respective marginal notes are—

"Elevations of new buildings";

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

"Provisions applicable to last preceding section";

"Noise nuisance"; and

"Restriction on right to prosecute";

shall come into operation on the first day of October one thousand nine hundred and thirty-seven.

Demand complaint information or summons may contain several sums.

**77.** There may be included—

(*a*) in one and the same demand or in any schedule thereto any general rate and any water rate and any charges for the supply of gas or electricity; and

(*b*) in one and the same complaint information or summons or in any schedule thereto any water rate and any charges for the supply of gas or electricity:

Provided that the rates or charges are due and payable to the Corporation from the same person whether under the same or different enactments from time to time in force in the borough.

Damages and charges to be settled by court.

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

As to appeals.

**79.**—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part V (Streets and buildings) Part VI (Sewers and drains) or Part VII (Infectious disease and sanitary provisions) of this Act may except where otherwise expressly provided or where some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

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

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

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in the 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.

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Part X. —*cont.*

(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.

Inquiries by Minister.

**80.** 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 section 290 of the Local Government Act 1933 shall apply accordingly.

Inquiries by Minister of Transport.

**81.** Section 290 of the Local Government Act 1933 shall apply to any inquiry which the Minister of Transport causes to be held under the provisions of this Act.

Application of section 47 of Act of 1908. 8 Edw. 7. c. xx.

**82.** Section 47 (Saving for indictments &c.) of the Rochdale Corporation Act 1908 so far as the same is applicable in that behalf shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if that section were re-enacted in this Act.

Application of Public Health Act 1936.

**83.** The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in Parts V (Streets and buildings) VI (Sewers and drains) and VII (Infectious disease and sanitary provisions) of this Act and in terms made applicable thereto (that is to say) :—

Section 284 (Authentication of documents);
Section 285 (Service of notices &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 293 (Recovery of expenses &c.); and
Section 328 (Powers of Act to be cumulative).

Application of Arbitration Acts 1889 to 1934.

**84.** 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 apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

Repeal.

**85.** The following provisions are hereby repealed :—

The Act of 1822—

Section XLV (To let stalls).

The Act of 1872—

Section 96 (Power to maintain and enlarge cattle market and provision and vegetable market and hay and straw market).

The Act of 1925—

Section 185 (Summons or warrant may contain several sums);

Section 187 (Penalties to be paid over to treasurer).

Crown rights.

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

Costs of Act.

**87.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for and 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 or out of such other funds and in such proportions as the Corporation shall determine or out of moneys to be borrowed under this Act for that purpose.

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