

CHAPTER clxxvi.

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An Act to empower the mayor aldermen and burgesses of the county borough of Rotherham to construct street improvements to confer further powers upon them with regard to their tramway trolley vehicle omnibus electricity and water undertakings to make further provision with regard to the health local government and improvement of the borough and for other purposes. [1st August 1930.]

WHEREAS it is expedient to empower the mayor aldermen and burgesses of the county borough of Rotherham (in this Act called "the Corporation") to construct street improvements and to acquire lands for the purposes mentioned in this Act:

And whereas it is expedient to confer further powers upon the Corporation with respect to their tramway undertaking the running of trolley vehicles and the working of omnibuses:

And whereas the Corporation supply electricity within and without the borough of Rotherham (in this Act called "the borough"):

And whereas it is expedient to extend the Corporation's area for the supply of electricity to empower them for the purposes of their electricity undertaking to execute the works and to maintain the further works referred to in this Act and to confer further powers upon them in relation to that undertaking:

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And whereas it is expedient to make further provision with reference to the water undertaking of the Corporation and to confer further powers upon them in relation to the health local government and improvement of the borough :

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

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

And whereas estimates have been prepared by the Corporation for the following purposes (that is to say) :—

	£
The purchase of lands - - - -	47,200
The construction of the street improvements authorised by this Act - -	12,300
The construction of the work authorised by Part IV of this Act - - -	5,000
The provision of trolley vehicles - -	27,000
The provision of electrical equipment and the construction of other works necessary for working the trolley vehicles authorised by this Act -	28,000
The provision of omnibuses - - -	9,100

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act :

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :— A.D. 1930.

PART I.

PRELIMINARY.

Short and collective titles.

1.—(1) This Act may be cited as the Rotherham Corporation Act 1930.

(2) The Rotherham Corporation Acts 1801 to 1928 and this Act may be cited as the Rotherham Corporation Acts 1801 to 1930.

Division of Act into Parts.

2. This Act is divided into Parts as follows (that is to say) :—

Part I.—Preliminary.
Part II.—Street improvements.
Part III.—Transport.
Part IV.—Electricity.
Part V.—Streets and buildings.
Part VI.—Town planning.
Part VII.—Infectious disease and sanitary.
Part VIII.—Recreation grounds.
Part IX.—Police and street traffic.
Part X.—Finance.
Part XI.—Miscellaneous.

Incorporation of Acts.

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

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

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

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(*b*) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section:

(2) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 with the following exceptions and modifications:—

(*a*) Section 83 and section 84 of the schedule are not incorporated with this Act;

(*b*) Sections 23 and 65 of the schedule shall apply to the undertaking of the Corporation within their area of supply outside the borough as if the Corporation were the local authority.

Interpretation.

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

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

"The borough" means the county borough of Rotherham;

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

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the medical officer" "the surveyor" "the veterinary inspector" and "the sanitary inspector" mean respectively the town clerk the treasurer the medical officer of health the surveyor the veterinary inspector and any sanitary inspector of the borough and include any persons duly authorised to discharge temporarily the duties of those offices;

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

"Trolley vehicle" means a mechanically propelled vehicle adapted for use upon roads without

rails and moved by electrical power transmitted thereto from some external source;

"The county council" means the county council of the west riding of Yorkshire;

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

"The electricity limits" means the limits for the time being of the Corporation for the supply of electricity;

"Food" has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;

"Infectious disease" includes any disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

"Children" means persons under the age of sixteen years;

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

"Statutory borrowing power" and "statutory security" have respectively the meanings assigned to those expressions by section 4 (Interpretation) of the Act of 1918;

"Revenues of the Corporation" has the meaning assigned to it by section 4 (Interpretation) of the Act of 1915;

"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;

"The Lands Clauses Acts" means the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

"The Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

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"The Minister" means the Minister of Health;

"The Act of 1879" "the Act of 1896" "the Order of 1898" "the Act of 1900" "the Act of 1904" "the Act of 1911" "the Act of 1915" "the Act of 1918" "the Act of 1921" "the Act of 1924" and "the Act of 1928" mean respectively the Rotherham Borough Extension and Sewerage Act 1879 the Rotherham Corporation Act 1896 the Rotherham Corporation Electric Lighting Order 1898 the Rotherham Corporation Act 1900 the Rotherham Corporation Act 1904 the Rotherham Corporation Act 1911 the Rotherham Corporation Act 1915 the Rotherham Corporation Act 1918 the Rotherham Corporation Act 1921 the Rotherham Corporation Act 1924 and the Rotherham Corporation Act 1928.

PART II.

STREET IMPROVEMENTS.

Power to construct street improvements.

5. Subject to the provisions of this Act the Corporation may within the borough make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvements referred to in this section together with all necessary and proper works and conveniences connected therewith or incidental thereto and may enter upon take hold and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the construction of such works or for the improvement and development of frontages or of the lands abutting on or adjacent to any street or for other purposes of this Part of this Act (that is to say):—

Work No. 1 A widening and improvement of Church Street on its easterly side;

Work No. 2 A widening and improvement of Ship Hill on its westerly side and of Westgate on its easterly side;

Work No. 3 A widening and improvement of Westgate on its westerly side;

Work No. 4 A further widening and improvement of Westgate on its easterly side.

Limits of deviation.

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

For protection of London Midland and Scottish Railway Company.

7. In carrying out Work No. 2 by this Act authorised the Corporation shall not unreasonably interfere with or obstruct the access to or exit from any station depot or property of the London Midland and Scottish Railway Company.

For protection of Sheffield Corporation.

8. For the protection of the lord mayor aldermen and citizens of the city of Sheffield (in this section referred to as " the Sheffield Corporation ") the following provisions shall unless otherwise agreed in writing between the Corporation and the Sheffield Corporation apply and have effect with reference to the exercise by the Corporation of the powers of this Part of this Act (that is to say) :—

(1) Before commencing the street improvements Works Nos. 2 3 and 4 authorised by this Act the Corporation shall give one month's notice in writing to the Sheffield Corporation of their intention to commence the same and shall at the same time deliver to the Sheffield Corporation plans and sections of the proposed works :

(2) If in the construction of such works the Corporation shall propose to reduce the depth of covering over any water main or pipe or apparatus connected therewith or other works used for the purposes of or incidental to water supply belonging to the Sheffield Corporation (in this section referred to as " water apparatus ") or shall propose to interfere with or impede the passage of water through the same and if it shall be reasonably necessary to lower reconstruct or otherwise alter the position of or protect such water apparatus the Sheffield Corporation may within one month after delivery of any such plans and sections give notice in writing to the Corporation requiring them to

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lower reconstruct or otherwise alter the position of or protect such water apparatus in such manner as may be reasonably required by the Sheffield Corporation :

(3) All alterations to be made to any such water apparatus by reason of the construction of the said works shall be made at the expense of the Corporation and with as little detriment and inconvenience to the Sheffield Corporation as the circumstances will admit and under the superintendence (if given) and to the reasonable satisfaction of the general manager of the waterworks undertaking of the Sheffield Corporation Provided that if the Sheffield Corporation give notice in writing to the Corporation within fourteen days after the receipt by them of the notice of the intended commencement by the Corporation of any such works that they desire themselves to execute the necessary works of lowering reconstruction alteration or protection of any such water apparatus the Sheffield Corporation may themselves execute such works and any other works to be constructed for their protection or benefit under the provisions of this section and the Corporation shall on the completion thereof pay to the Sheffield Corporation the expenses reasonably incurred by them in so doing :

(4) The Corporation in constructing the said street improvements shall not interfere with remove or displace any water apparatus or do anything to impede the passage of water into or through such water apparatus until satisfactory and sufficient water apparatus necessary or proper for continuing the supply of water as efficiently as the same was supplied by the water apparatus proposed to be interfered with removed or displaced shall at the expense of the Corporation and to the reasonable satisfaction of the general manager of the waterworks undertaking of the Sheffield Corporation have been laid down in lieu thereof and properly connected with the existing apparatus which is not proposed to be removed or displaced :

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(5) The Corporation shall bear and on demand pay to the Sheffield Corporation any additional expense which may be imposed upon them in lowering reconstructing altering or protecting any water apparatus by reason of the construction of the said street improvements where any of the water apparatus may be required to be lowered reconstructed altered or protected :

(6) The Corporation in constructing the said street improvements shall make good all damage done by them to any water apparatus and shall repay to the Sheffield Corporation all damages and losses incurred by them by reason of the exercise of the powers of this Act and shall also indemnify and hold harmless the Sheffield Corporation against all claims and demands made against them by reason of such works :

(7) Where the Corporation in constructing any of the works as aforesaid stop up temporarily any road in which any water apparatus is situate they shall provide access for the officers and servants of the Sheffield Corporation for the purpose of enabling them to repair or renew any such water apparatus : .

(8) Any difference which shall arise under this section between the Corporation and the Sheffield Corporation shall be referred to and settled by an arbitrator to be appointed on the application of either party (after notice thereof in writing to the other) by the Minister and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such settlement by arbitration.

PART III.

TRANSPORT.

Power to use trolley vehicles upon certain routes.

9.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the following routes in addition to any routes upon which they are already authorised to use trolley vehicles (that is to say) :—

Route No. 1 In the rural district of Rotherham from the junction of Park Lane with Old Gates

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Lane along Park Lane to its junction with Vale Road at Thrybergh;

Route No. 3 In the rural district of Rotherham from the junction of Hollings Lane with Moor Lane at Ravenfield Common along Moor Lane Brook Lane Flanderwell Lane and Cross Street to its junction with the Bawtry and Tinsley main road at the "Ball Inn" at Bramley;

Route No. 4 In the rural district of Rotherham from the junction of Brook Lane with Flanderwell Lane at Bramley along Flanderwell Lane to the entrance gates of the road leading to Woodlaithes Farm at Sunnyside Flanderwell;

Route No. 5 In the borough and in the rural district of Rotherham from the junction of High Street with College Street and Wellgate along High Street Westgate Canklow Road the Bawtry and Tinsley main road White Hill Lane Rotherham Road Treeton Lane Mill Lane Well Lane and Long Lane to the southern boundary of premises known as No. 207 Long Lane New Bole Hill Treeton;

Route No. 7 In the borough along Howard Street from its junction with Effingham Street to its junction with Doncaster Gate;

Route No. 8 In the borough from the junction of Doncaster Gate with College Street and Wellgate along Doncaster Gate and Doncaster Road to its junction with Fitzwilliam Road;

Route No. 9 In the borough from the junction of Bridge Street with Corporation Street and Frederick Street along Bridge Street and Masbrough Street to its junction with Main Street;

and with the consent of the Minister of Transport along any other street or road which the Corporation think it necessary or convenient to use for the purpose of providing a turning point or of connecting trolley vehicle routes or of obtaining access thereto from any depot garage building or work of the Corporation:

Provided that the Corporation shall not under the foregoing provisions of this section erect any posts or other apparatus for the purpose of connecting trolley vehicle routes in any county road within the meaning

of the Local Government Act 1929 without the consent in writing of the county council but such consent shall not be unreasonably withheld and any question as to whether the same is unreasonably withheld shall be determined by the Minister of Transport.

(2) (*a*) Before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval and shall also in the case of so much of any trolley vehicle route as is outside the borough submit a copy of such plans to the road authority Before approving any such last-mentioned plans the said Minister shall give to the road authority an opportunity of making representations with reference thereto and shall consider any such representations which may be made to him.

(*b*) In this subsection " road authority " means with reference to any road or part of a road over which any proposed trolley vehicle service will pass the authority or person charged with or liable to contribute to the maintenance of such road or part of a road.

(3) The provisions of Part III (Tramways trolley vehicles and omnibuses) of the Act of 1928 in so far as those provisions relate to trolley vehicles and trolley vehicle routes shall extend and apply to and in relation to the routes referred to in and authorised by this section as if those routes were authorised by the said Part III of the Act of 1928:

Provided that for the purposes of such extension and application section 74 (For protection of West Riding County Council in respect of trolley vehicles) of the Act of 1928 shall be read and have effect as though the expression " main road " in that section included any county road within the meaning of the Local Government Act 1929 and as though the expression " county or main road bridge " therein included any bridge repairable by the County Council pursuant to the last-mentioned Act.

Further powers for running omnibuses.

10.—(1) In addition to their existing powers the Corporation may run omnibuses along the following routes:—

Route A In the rural district of Doncaster and the urban district of Maltby commencing at the

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junction of Greaves Sike Lane with Common Lane at Braithwell Common proceeding along Greaves Sike Lane Micklebring Lane High Street Holy Well Lane Fish Pond Lane and Grange Lane to its junction with the Bawtry and Tinsley main road at Maltby;

Route B In the rural district of Rotherham commencing at the junction of Far Dalton Lane with Doncaster Road proceeding along Far Dalton Lane the northern part of Hill Top Lane and Flanderwell Lane to Flanderwell Farm;

Route C In the rural district of Rotherham commencing at the junction of Mill Lane with Treeton Lane at Treeton proceeding along Mill Lane Well Lane and Long Lane to the southern boundary of premises known as No. 207 Long Lane New Bole Hill Treeton.

(2) The following sections of the Act of 1911 of the Act of 1921 of the Act of 1924 and of the Act of 1928 shall so far as they are applicable for the purpose extend and apply with any necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say) :—

The Act of 1911—

Subsections (2) to (8) of section 23 (Power to provide and run motor omnibuses).

The Act of 1921—

Section 28 (As to cesser of powers);

Section 29 (Provision in event of certain powers not being exercised within prescribed limits);

Section 31 (Application of sections 51 and 56 of Tramways Act 1870).

The Act of 1924—

Section 23 (Omnibus fares and charges).

The Act of 1928—

Section 81 (Payment of fares rates and charges);

Section 83 (Application of Tramways Act to byelaws);

Section 84 (Consents of local or road authorities);

Section 89 (Omnibuses and trolley vehicles to form part of tramway undertaking) :

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Provided that in the application of the said sections of the Act of 1921 they shall be read as if this Act were referred to therein instead of the Act of 1921.

(3) Omnibuses run under the powers of this Act shall be deemed to be cars within the meaning of the Act of 1921.

Restricting running of omnibuses in competition.

11.—(1) If and so long as a service of tramcars trolley vehicles or omnibuses or a service of two or more of those classes of vehicles along any protected route is provided by the Corporation or is provided under a working agreement to which the Corporation are parties and such service adequately meets the requirements of such protected route it shall not be lawful except as in this section provided or except under a working agreement with the Corporation for any company (except a railway company in pursuance of their existing statutory powers) or for any other local authority body or person to run omnibuses along such protected route or along any other route in competition with such service or services so provided.

(2) Any failure on the part of the Corporation to afford an adequate service along any protected route which is due to strikes or unforeseen accidents or circumstances beyond the control of the Corporation shall not entitle any such company authority body or person to run omnibuses along such protected route or along any other route in competition therewith or deprive the Corporation of any benefit conferred upon them by this section.

(3) The licensing authority for the borough may and shall in order to give effect to the foregoing provisions of this section when licensing an omnibus to ply for hire grant such licence subject to conditions as to the routes upon which such omnibus shall or shall not ply for hire Provided that—

(*a*) If any question arises between the Corporation and any company authority body or person as to whether any route in respect of which a licence may be granted to any such company authority body or person is competitive such question shall on the application of either of the parties be determined as hereinafter in this section provided;

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(*b*) The right of the applicant for the licence of appeal to the Minister of Transport from the decision of the licensing authority under section 14 (3) of the Roads Act 1920 shall not be affected but the said Minister in making any order under that section shall have regard to the provisions of this section.

(4) Any question at any time arising as to whether or not the Corporation are providing an adequate service along any protected route or whether there is or would be any such competition shall be determined by the Minister of Transport on the application of any interested party and the said Minister shall have power to make such order thereon as he thinks fit Any order made by the said Minister under this section shall be final and binding on the parties affected thereby and shall not be subject to appeal to any court and shall on the application of the said Minister or the Corporation or the applicant for a licence be enforceable by writ of mandamus.

(5) Nothing in this section shall be deemed—

(*a*) to restrict the running of any omnibus by any such company authority body or person along any protected route or a particular part of any protected route or any other route in competition therewith if no passenger conveyed by such omnibus is both taken up and set down on any one journey on any protected route or any route in competition therewith; or

(*b*) to prevent the renewal by the licensing authority for the borough of any licence to ply for hire with an omnibus along a protected route or a particular part of a protected route or a route in competition with a protected route if the licence was in force on the fifteenth day of November nineteen hundred and twenty-nine and was applicable to any service of omnibuses which service was on that date being operated on and has since that date been regularly in operation on the same route or part of a route as aforesaid or to prevent the grant of a licence to ply for hire with an omnibus substituted by the licensee for any

such first-mentioned omnibus or to restrict the running of any such first-mentioned omnibus or substituted omnibus along any such route or part of a route as aforesaid; or

(*c*) to prevent the grant or renewal by the licensing authority for the borough of any licence to ply for hire with an omnibus on the condition that no passenger conveyed by the omnibus to which the licence relates shall be both taken up and set down on any one journey on any protected route or any route in competition therewith.

(6) Any company authority body or person who shall run any omnibus along any route in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds for each day upon which he runs any such omnibus.

(7) In this section "protected route" means any road in the borough along which the Corporation are authorised to provide a service of tramways or trolley vehicles and any road in the borough along which the Corporation were running omnibuses on the first day of January nineteen hundred and thirty.

Byelaws as to intending passengers outside borough.

12.—(1) The Corporation may require the authority by whom byelaws may be made and other powers may be exercised under section 75 of the Public Health Act 1925 to make such byelaws and exercise such other powers in respect of any of the routes of the tramways of the Corporation or of any of the trolley vehicle or omnibus routes of the Corporation or any part of any such route situate in the district of the said authority.

(2) If the said authority refuse or neglect to make such byelaws or exercise such other powers in accordance with the said requisition the Corporation may without prejudice to any other remedy available to them apply to the Minister of Transport for and the Minister of Transport after consultation with the Minister may make an order transferring to the Corporation the powers of the said authority under the said section in respect of the said routes or parts of routes.

(3) On the making of such order the said authority shall during the continuance of the order cease to exercise the powers transferred to the Corporation by the order.

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(4) Any byelaws made by the Corporation under the powers transferred by the said order shall be subject and according to the provisions of section 46 and section 47 of the Tramways Act 1870.

(5) In relation to any byelaws made under section 75 of the Public Health Act 1925 and affecting any such route or part of a route as aforesaid the Corporation shall be deemed to be a person aggrieved within the meaning of section 253 of the Public Health Act 1875.

Property found in Corporation vehicles.

13. Any property found in any tramcar trolley vehicle or omnibus of the Corporation shall forthwith be handed to the conductor thereof and be taken by him to a place to be appointed for the purpose by the Corporation and if the same be not claimed within three months after the finding thereof it shall vest in the Corporation and may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof shall be treated as part of the revenue of the tramway undertaking.

For protection of Yorkshire Electric Power Company and Electrical Distribution of Yorkshire Limited.

14. Nothing in this Part of this Act shall authorise any alteration in the position of or other interference with any electric lines or works of the Yorkshire Electric Power Company or Electrical Distribution of Yorkshire Limited except in accordance with the provisions of section 17 of the Schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to such alteration or interference and shall extend to and include any electric lines or works of the said companies or either of them constructed or placed upon or above the level of the ground.

PART IV.

ELECTRICITY.

Power to construct weir.

15. Subject to the provisions of this Act the Corporation may construct and maintain in the lines and according to the levels shown on the deposited plans and sections the work hereinafter described in the borough with all proper and convenient roads approaches landing places steps slips embankments sluices sluice gates sidings and other works and conveniences connected therewith and may enter upon take hold and use the

lands delineated on those plans and described in the deposited book of reference relating thereto (that is to say) :—

A weir or dam across the river Don (being a reconstruction or enlargement or removal and replacement of the dam authorised by the Act of 1918) adjoining the Prince of Wales power station of the Corporation.

Power to deviate.

16. In constructing the weir or dam authorised by this Part of this Act the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plans and vertically from the levels shown on the deposited sections to any extent downwards.

Period for completion of weir.

17. If the weir or dam authorised by this Act and shown on the deposited plans is not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

For protection of Rotherham Forge and Rolling Mills Company Limited.

18. The following provisions for the protection of the Rotherham Forge and Rolling Mills Company Limited (in this section referred to as "the company") shall unless otherwise agreed in writing between the company and the Corporation apply and have effect (that is to say) :—

(1) Before on any occasion lowering or otherwise operating the moveable part of the weir or dam authorised by the foregoing provisions of this Part of this Act so as to impound the water and raise the level of the river Don the Corporation shall give to the company not less than one hour's previous notice in writing of their intention so to do :

(2) A further notice shall be given by the Corporation to the company immediately after they shall have ceased for the time being to keep lowered or otherwise in operation the moveable part of the said weir or dam as aforesaid :

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(3) (*a*) The Corporation shall make compensation to the company in accordance with the provisions of this subsection for all loss damage or injury which may at any time or from time to time be suffered by the company by reason or in consequence of any diminution of the flow of water from the tail goits of the company or of the flow of water down the river Don past the works of the company or by reason or in consequence of any raising of the level of the water in the said river to such a height as to prevent or injuriously affect the working by the water power of the said river of any water wheels or turbines for the time being used by the company for the purpose of obtaining power for use at the said works of the company if such diminution or raising is caused by the construction of the said weir or dam or by the lowering or other operation of the moveable part thereof;

(*b*) Any compensation to be made by the Corporation to the company under the provisions of this section shall be satisfied by the supply to the company by the Corporation free of cost of electricity at such times and in such quantities as may be agreed between the Corporation and the company or in default of agreement determined by arbitration under this section and in determining any question arising under this subsection the arbitrator shall have regard to the extent to which the company may from time to time make use of the waters of the said river for the purposes referred to in paragraph (*a*) hereof and to any other considerations affecting the question referred to him:

(4) As from the date upon which the Corporation shall have completed the removal of the dam (Work No. 2) authorised by section 15 (Power to construct works) of the Act of 1918 or as from the date upon which the weir or dam authorised by this Act is completed (whichever be the later) subsections (1) and (2) of section 43 (For protection of Rotherham Forge and Rolling Mills Company Limited) of the Act of 1918 shall be repealed and the date as from

which such repeal takes effect shall be determined by agreement between the Corporation and the company or failing agreement by an arbitrator appointed under this section:

(5) If any difference shall arise between the Corporation and the company under the foregoing provisions of this section such difference shall be referred to and determined by an arbitrator to be appointed failing agreement on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration:

(6) The Corporation may at any time enter into and carry into effect agreements for and with respect to the purchase by the Corporation from the company of all or any of the rights of the company to divert or utilise the waters of the river Don or other waters.

Confirmation of construction of existing works and abstraction of water.

19.—(1) The construction by the Corporation of the works hereinafter described is hereby sanctioned and confirmed and (subject to the provisions of this Act) the Corporation may maintain and from time to time repair renew alter enlarge extend or discontinue those works and may use and employ the same for the purposes of taking intercepting and utilising water for the purposes of their electricity undertaking but subject to the terms of the agreements hereinafter mentioned The works hereinbefore referred to are situate in the urban district of Rawmarsh and in the borough and are:—

(*a*) A pumping station with an intake from the river Don and an aqueduct or discharge pipe (with a diffusing chamber) into the Sheffield and South Yorkshire Navigation the said pumping station being situate in the urban district of Rawmarsh on the said river at a point adjoining the boundary of the borough and south-east of Upper Eastwood Lock and the said aqueduct or discharge pipe extending therefrom to the said diffusing chamber at a point on the south bank of the said navigation immediately adjacent to that lock;

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(*b*) A weir with a byepass situate in the borough on the south-easterly bank of the said navigation at a point thirty-nine yards or thereabouts measured in a north-easterly direction along that bank from the bridge carrying Greasbrough Road over the said navigation;

(*c*) An aqueduct or line of pipes in the borough commencing at the said weir and extending to and through the No. 1 power station of the Corporation and across Rawmarsh Road to and terminating in a distributing chamber attached to the ends of the existing suction culverts of the No. 2 or Prince of Wales power station of the Corporation;

(*d*) All works subsidiary to or connected with the works aforesaid or any of them.

(2) Subject to the provisions of the agreements hereinafter mentioned the Corporation may take water from the river Don and from the canal of the Sheffield and South Yorkshire Navigation Company by means of the works which are sanctioned and confirmed by subsection (1) of this section for the purposes of their electricity generating stations situate at Rawmarsh Road in the borough and the Corporation shall either return to that river or discharge into the said canal all water taken by them under the powers of this subsection.

(3) Subsections (2) and (3) of section 19 (Abstraction of water from the Don) of the Act of 1918 shall extend and apply to and in relation to the exercise of the powers of this section by the Corporation as if those subsections were set out in this section.

(4) The agreements referred to in this section are—

(*a*) an agreement dated the twenty-ninth day of June nineteen hundred and twenty-nine and made between the Right Honourable William Charles de Meuron Earl Fitzwilliam of the one part and the Corporation of the other part;

(*b*) an agreement dated the twenty-sixth day of April nineteen hundred and twenty-nine and made between the Sheffield and South Yorkshire Navigation Company of the one part and the Corporation of the other part.

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(5) Nothing contained in this section shall enable the Corporation to take water from the canal of the Sheffield and South Yorkshire Navigation Company except to the extent mentioned in and subject to the provisions of the agreement between that company and the Corporation referred to in subsection (4) of this section.

For protection of Edmond Walter Savile Foljambe and Catherine Mary Chambers.

20. For the protection of Edmond Walter Savile Foljambe and Catherine Mary Chambers and their successors in title as owners of the property adjoining the river Don and belonging to them respectively at the date of the passing of this Act the following provisions shall except so far as may be otherwise agreed between the persons aforesaid and the Corporation have effect :—

Water shall not be taken by the Corporation from the river Don under the provisions of the last preceding section of this Act in such a manner as to lower the water level of that river at the time when the water is taken to a greater extent than one inch or thereabouts at a point twenty yards below the intake of the work described in subsection (1) (*a*) of the said section.

Works to form part of electricity undertaking.

21. The works authorised sanctioned and confirmed by this Part of this Act shall form part of the electricity undertaking of the Corporation.

Alteration of area of supply.

22.—(1) In this section—

(*a*) "the signed map" means the map marked "B" and signed in triplicate by Sir Thomas Robinson the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

(*b*) "the added areas" means the areas which are described in the First Schedule to this Act and which are coloured blue upon the signed map;

(*c*) "the excluded area" means that part of the borough which lies to the north-west of the added areas and which is coloured pink upon the signed map :

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Provided that if there be any discrepancy between the description of the added areas which is contained in the said First Schedule or the description of the excluded area set forth above and the said areas as delineated upon the signed map the signed map shall prevail.

(2) (*a*) The added areas shall be included within the area of supply for the purposes of the Order of 1898 as amended by subsequent Acts and the Corporation shall have and may exercise within the added areas all and the like powers privileges and authorities for and in relation to the supply of electricity and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing electricity limits.

(*b*) The South Yorkshire Electricity Special Order 1924 so far as the same relates to the added areas is hereby repealed but without prejudice to anything done or suffered to be done thereunder and that Order shall have effect as if the added areas were excluded from the area of supply thereunder.

(3) (*a*) Notwithstanding anything contained in the Order of 1898 the Corporation shall not for a period of one year from the passing of this Act supply electricity within the excluded area.

(*b*) If within the said period of one year Electrical Distribution of Yorkshire Limited shall make application for an Act of Parliament or Special Order for empowering them to supply electricity within the excluded area the Corporation shall not oppose such application and if the same be granted the excluded area shall as from the date of such Act or Order (as the case may be) cease to be within the area of supply for the purposes of the Order of 1898 as amended by subsequent Acts and the Order of 1898 shall as from the same date and in so far as the same relates to the excluded area be repealed but without prejudice to anything done or suffered to be done thereunder and shall have effect as if the excluded area were excluded from the area of supply thereunder.

(4) A copy of the signed map shall be deposited by the Corporation with the Electricity Commissioners and copies of the signed map deposited with the town clerk or extracts therefrom certified by him to be correct shall be received in all courts of justice and elsewhere as prima facie evidence of the correctness thereof.

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Byelaws as to wires apparatus and fittings.

23.—(1) The Corporation may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity or cut off and discontinue the supply of electricity to any building or premises in which such byelaws are not complied with.

(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings of any railway company.

As to limits of supply of electricity by Corporation.

24.—(1) Where under the provisions of any Act or Order relating to the Corporation or their electricity undertaking the electricity limits are bounded by or abut upon any road such limits shall be deemed to extend to the centre of the road.

(2) Where any area of supply for the time being of Electrical Distribution of Yorkshire Limited is bounded by or abuts upon any road the whole width of which is comprised within the electricity limits such area of supply shall be deemed to extend to the centre of such road.

(3) Provided that nothing in this section shall be deemed to confer upon the Corporation or the said company any powers of using electricity in any road or of supplying electricity for use therein.

PART V.

STREETS AND BUILDINGS.

As to pavement lights.

25.—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street in the borough any work for the admission of light through such pavement to any

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room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent of the Corporation.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

(3) Any person offending 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.

Direction signs.

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

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within fourteen days after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the court shall have power to make such order as the court may think fit and to award costs.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

Byelaws as to alteration of streets.

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

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Crossings over footways.

28.—(1) Every owner or occupier of premises desirous of forming or using a communication for horses or vehicles across any footway so as to afford access to his premises from any street shall give at least seven days' notice in writing to the Corporation of his intention so to do and if so required by the Corporation within seven days of the receipt of such notice shall before permitting the use of such communication construct a carriage crossing over the footway of the street of such materials and in such manner as shall be satisfactory to the surveyor or shall comply with such other conditions as the Corporation in any case require Any owner or occupier who makes default in complying with the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) The Corporation may within seven days after receipt of a notice under this section intimate that they themselves desire to execute the necessary works in which case the works shall be executed by the Corporation who may recover summarily as a civil debt the cost of so doing from the person desiring to form the communication across the footway.

(3) Nothing in this section shall in the case of any street repairable by the inhabitants at large impose on any such owner or occupier any obligation to maintain any crossing constructed in pursuance of this section.

Byelaws as to intersecting streets.

29.—(1) The power of the Corporation to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street.

(2) Upon any byelaw made under this section coming into operation section 73 (Intersecting streets) of the Act of 1911 shall be repealed.

Private street works expenses.

30. The expenses to be recoverable by the Corporation under section 150 (Power to compel paving of private streets &c.) of the Public Health Act 1875 shall include in addition to the amount of the expenses incurred by them in executing the works referred to

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in that section a sum not exceeding five pounds per centum of that amount in respect of surveys superintendence and notices and such sum when received shall be carried to the credit of the general rate fund.

Prevention of obstructive buildings.

31.—(1) If the medical officer is of opinion that any building proposed to be erected in the borough 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 buildings;

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) A representation made to the Corporation in pursuance of this section shall be deemed to be a representation made under the provisions of subsection (1) of section 19 (Power to local authority to order obstructive buildings to be pulled down) of the Housing Act 1925 and the provisions of that section with the necessary modifications shall extend and apply accordingly.

As to restriction of air space.

32. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "space about buildings" had been inserted therein before the words "drainage of buildings" in subsection (2) of that section:

Provided that no byelaw with respect to the space about buildings shall be made so as to affect buildings erected before the times mentioned in section 157 of the Public Health Act 1875 unless such buildings or the curtilage thereof shall be altered after the making of such byelaw.

Cellars not to be constructed below sub-soil water level.

33.—(1) The Corporation may prohibit the construction in or in connection with any dwelling-house within the borough of any cellar or room the floor level of which shall be lower than the highest known level of the sub-soil water on under or adjacent to the land on which such dwelling-house shall be erected.

(2) Any person offending against any prohibition of the Corporation under the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Byelaws as to secondary means of access.

34. The power of the Corporation to make byelaws with respect to secondary means of access under section 23 of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect fronting a street or intended street a terrace or other continuous block of houses not giving access through their own grounds to the backs of such houses to make and construct a road at the back and a road at each end of such terrace or continuous block of houses of such widths as may be prescribed by such byelaws.

Power to order alteration of chimneys.

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

Further provisions as to sanitary conveniences.

36.—(1) The owner of two or more sanitary conveniences within the borough provided for or in connection with two or more separate dwelling-houses and used in common by the occupiers of such dwelling-houses shall so far as reasonably practicable allot such sanitary conveniences to the occupiers of particular dwelling-houses so as to insure that the same are allocated proportionately (as nearly as may be) amongst such dwelling-houses.

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(2) The owner of any such sanitary conveniences shall cause to be affixed to the door or walls of each such sanitary convenience a notice identifying the dwelling-house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Closet accommodation in houses occupied by more than one family.

37.—(1) Section 36 (Power of local authority to enforce provision of privy accommodation for houses) of the Public Health Act 1875 shall with the necessary modifications apply to a part of a house within the borough occupied by a separate family as it applies to the whole of a house.

(2) The provisions of subsections (1) (2) and (3) of section 7 (Execution of works to comply with bye-laws) of the Housing Act 1925 shall apply with any necessary modifications as if the same were set out in this section.

Sanitary conveniences for workmen engaged on buildings.

38.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

(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.

As to powers of requiring sanitary conveniences for manufactories &c.

39. The Corporation may exercise the powers of an urban authority under section 22 of the Public Health Acts Amendment Act 1890 (which relates to the provision of sanitary conveniences in workshops and manufactories) on the report of the medical officer or the sanitary inspector as well as on the report of the surveyor.

Prohibition of tents vans &c.

40.—(1) (*a*) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the borough without the previous consent of the Corporation.

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(*b*) It shall not be lawful for any person without the previous consent of the Corporation to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(2) Any person aggrieved by the withholding by the Corporation of their consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction provided he give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the court shall have power to make such order in the matter of the appeal as the court may think fit and to award costs.

(3) This section shall not apply to (*a*) a tent van shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (*b*) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder travelling with a travelling show not being a pedlar or hawker.

(4) 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 twenty shillings.

Further provisions as to tents vans &c.

41.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application to the borough of section 3 of the Public Health (Buildings in Streets) Act 1888 be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

(3) Any person who offends against the provisions of subsection (2) of this section shall be liable to a penalty

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not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Regulation dustbins.

42. The owner or occupier of any premises in connection with which a moveable ashbin or dustbin has been provided whether on the requirement of the Corporation or not shall if so required by the Corporation pay to the Corporation on each first day of April thereafter such sum not exceeding two shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such ashbin or dustbin and such payment shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance of such ashbin or dustbin Provided that this section shall not apply to any railway company in respect of premises occupied by them for the purposes of their undertaking and from which the Corporation do not remove refuse.

Byelaws as to refuse.

43. The power of the Corporation to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not fæcal or offensive or noxious matter or liquid.

PART VI.

TOWN PLANNING.

Power to make town planning schemes with reference to developed lands.

44. The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the borough notwithstanding that the land in that area or any part thereof is developed at the time of the making of such scheme and the provisions of the Town Planning Act 1925 (in this Part of this Act referred to as "the Act of 1925") shall subject to the provisions of this Part of this Act apply to the making of any such scheme and to any such scheme when made.

Purposes for which land may be purchased for town planning schemes under this Part of Act.

45. The purposes for which land may be purchased under a town planning scheme made pursuant to this Part of this Act shall include—

(*a*) the purpose of improving and developing frontages to and developing lands abutting on or adjacent to any new street or any widening of an existing street; and

(*b*) the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the Corporation that there would be difficulty in securing such development or re-development in the manner provided by those provisions by reason of the land concerned being used in a manner at variance therewith or being held in parcels or plots of inconvenient size shape or arrangement.

As to properties of which parts only are required for town planning schemes.

46.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made under section 8 of the Act of 1925 authorising the Corporation to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory in respect of which the Corporation have served upon him notice to treat for a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the arbitrator to whom any question of disputed compensation is referred under any such order (in this section referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the said specified portion of the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Corporation have compulsory powers of purchase) can be so severed.

(2) If the arbitrator determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto such owner or other person as aforesaid may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner

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or other person by severance or otherwise as shall be awarded by the arbitrator.

(3) If the arbitrator determines that the portion of the property specified in the notice to treat can notwithstanding the allegation of such owner or other person as aforesaid be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by such owner or other person incident to the determination of any matters under this section shall be borne and paid by such owner or other person.

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

(5) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

(6) The provisions of this section shall be stated in every notice given under any such order as aforesaid to sell and convey any premises.

Limitation on requirements under schemes.

47.—(1) No provisions in any such town planning scheme as aforesaid prescribing the space about buildings or limiting the number of buildings to be erected or prescribing the height or character of buildings within the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as—

(*a*) to require the demolition removal or alteration of any building existing at the date of the

passing of the resolution of the council to prepare or adopt the scheme or of which the erection was commenced before that date; or

(*b*) to affect the user of any building for any purpose for which the same was used at the said date unless the person entitled to the user of the building shall after that date (i) commence to use such building for any purpose other than that purpose or (ii) voluntarily cease for a continuous period of six months or upwards to use such building for any purpose;

unless and until the scheme is brought into operation for that purpose by an order of the Corporation approved by the Minister and where an order is so made the provisions of subsection (2) of section 11 of the Act of 1925 shall not operate so as to preclude a claim for compensation under that Act on account of the demolition removal or alteration of the building or the affecting of the purposes for which the building may be used.

(2) An order under this section shall specify the period within which any building to which the same relates is to be demolished removed or altered or any purpose for which any such building is used is to be discontinued or changed.

(3) Before applying to the Minister for approval of an order under this section the Corporation shall serve a copy thereof on the owner or owners of all land or buildings to which the order relates and shall consider any representations which such owner or owners may make to them within such period (not being less than one month) as may be specified for that purpose in the order and may make such modifications in the order as they think necessary in consequence of any such representations.

(4) Upon the submission of the order (with or without modification) to the Minister the Corporation shall serve on the said owner or owners a copy of the order as so submitted together with a notice that objections may be made to the Minister within a period of one month from the date of service of the copy of the order and notice.

Registration of ownership of land and service of notices.

48. Any person being or claiming to be an owner of land within any area to which a scheme proposed to be made under this Part of this Act relates may register his name and address with the Corporation and any

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person who has so registered his name and address in relation to any land within any such area shall be entitled to be served at his last registered address with a copy of any notices required by any regulations made by the Minister under the Act of 1925 or any Act repealed thereby to be given by the Corporation in connection with the preparation of the said scheme and notwithstanding anything in the said regulations it shall not be incumbent on the Corporation to serve a copy of any of such notices on any person who has not so registered his name and address except that in the case of a railway company a copy of such notices shall be sent to the secretary at the principal office of such company:

Provided that in any notice advertised by the Corporation pursuant to any such Act or regulations as aforesaid of their intention to prepare or adopt any such scheme as aforesaid they shall give notice of the effect of the provisions of this section.

Definition of "owner" for certain purposes.

49. For the purposes of the sections of this Act of which the marginal notes are respectively "Limitation on requirements under scheme" and "Registration of ownership of land and service of notices" the word "owner" has the same meaning as in the Lands Clauses Acts.

PART VII.

INFECTIOUS DISEASE AND SANITARY.

Medical practitioners to notify cases of food poisoning.

50.—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Corporation shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

Power to close Sunday schools and exclude children from entertainments.

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

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

(3) In this section—

the expression "infectious disease" includes pulmonary tuberculosis measles German measles scabies ringworm whooping cough chicken pox; and

the expression "Sunday school" means any school in which children are assembled for instruction on a Sunday or especially for religious instruction whether or not on a Sunday.

Names of laundrymen to be furnished.

52.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

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

Further powers in relation to unsound food.

53. Sections 116 to 118 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 and section 69 of the Act of 1924 shall extend to authorise the medical officer the sanitary

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inspector or the veterinary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly Provided that nothing in this section shall authorise the inspection examination or search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or of any basket sack bag or parcel in the possession of such company as carriers thereof.

Penalty on original vendor of unsound food.

54.—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 of the Public Health Acts Amendment Act 1890 and section 69 of the Act of 1924 and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that the said animal or article was in such condition.

(2) Where any animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 the person to whom the same belongs or did belong at the time of deposit of such animal or article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said animal or article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875

as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer sanitary inspector or veterinary inspector of the intention of the medical officer sanitary inspector or veterinary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Notice of slaughter of animal unfit for food.

55.—(1) Where any person being the owner of any bull ox cow heifer calf sheep lamb goat or pig which is emaciated or diseased and unfit for food is about to slaughter the same or about to cause the same to be slaughtered he shall give not less than twenty-four hours' previous notice to the medical officer or sanitary inspector of such intention and shall on the application of the medical officer or sanitary inspector within six weeks from the date of such slaughter furnish such information within his knowledge as the medical officer or sanitary inspector may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcase or any part thereof.

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

Restriction on taking inedible fats into premises where food is prepared.

56. Any person taking or introducing or causing to be taken or introduced any fats which are unfit for food into any premises in which any food into the composition of which fat enters is manufactured or prepared for sale or into any premises directly or indirectly connected by a passage pipe or in any other way with any such premises (except so far as such passage pipe or other connection as the case may be is required or used for sanitary or other similar purposes and not in connection with the manufacture or preparation hereinbefore mentioned) shall for each offence be liable to a penalty not exceeding five pounds unless he can prove that such fats were not taken or introduced into such premises for the purpose

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of being used and have not been used as an ingredient in the manufacture or preparation of any food.

Power to take samples of food for analysis.

57.—(1) The powers of entry and inspection conferred by subsection (5) of section 72 of the Public Health Act 1925 shall in relation to the borough be extended so as to empower an officer making an inspection of any room under the said subsection to take samples of any food found in such room making reasonable payment therefor and if it be intended to submit any sample to analysis or bacteriological examination he shall forthwith notify to the vendor of or merchant or dealer in such food or the agent of such person his intention to have the same analysed by the public analyst or examined by a bacteriologist appointed by the Corporation and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deem it right to have the sample analysed or examined to the public analyst or such bacteriologist.

(2) The expression "public analyst" in this section means the analyst appointed by the Corporation for the purposes of the Food and Drugs (Adulteration) Act 1928.

Byelaws as to tipping refuse.

58. Section 44 of the Public Health Act 1875 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof Provided that such byelaws shall not apply to the tipping of spoil from colliery shafts existing at the date of the passing of this Act.

Registration of purveyors of meat and premises.

59.—(1)—

(*a*) Any person being a butcher or vendor of or merchant or dealer in meat within the borough; and

(*b*) any premises within the borough used or proposed to be used for the sale of meat;

shall be registered with the Corporation in a register to be kept by the town clerk in the case of any such person

by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall within the borough carry on the business of a butcher or vendor of or merchant or dealer in meat unless he be so registered and no premises within the borough shall be used for the purposes aforesaid unless they be so registered.

(3) In this section "meat" means the uncooked flesh (including edible offal and fat) of cattle swine sheep or goats but does not include bacon and ham.

(4) Any person offending 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.

Notice to be given of this Part of Act.

60.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

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

PART VIII.

RECREATION GROUNDS.

Power of constables to enforce byelaws as to parks &c.

61.—(1) From and after the passing of this Act every police constable appointed to act for the borough shall have the same power of enforcing byelaws made by the Corporation under the Public Health Acts relating to any park or place of public resort recreation ground or playing fields in the borough under the control of the Corporation as is given to the servants of the Corporation by the byelaws for the time being in force under the provisions of the said Acts.

(2) Where any park or place of public resort recreation ground or playing field under the control of the Corporation is situate partly within and partly without the borough the Corporation and the standing joint committee of the west riding of Yorkshire may enter into

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any agreement for the exercise by the borough police force of police powers in that part of such park or place of public resort recreation ground or playing field which is situate outside the borough and during the subsistence of any such agreement the police authority for the borough shall be the police authority in respect of such part of the said park or place of public resort recreation ground or playing field and the borough police shall have the same powers and duties therein as in the remainder of such park or place of public resort recreation ground or playing field and during the subsistence of such agreement such part of the said park or place of public resort recreation ground or playing field shall cease to form part of the police district of the said west riding and the standing joint committee and the county council shall be exempted from police duties and liabilities therein.

As to playing fields.

62.—(1) Section 69 (Provision of grounds for cricket football and other games) of the Public Health Act 1925 shall apply to any lands acquired or appropriated by the Corporation for the purposes of cricket football golf or other games and recreations.

(2) All moneys from time to time received by the Corporation in respect of the exercise of their powers under this section shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of the exercise of those powers shall be paid out of the general rate fund and the general rate.

PART IX.

POLICE AND STREET TRAFFIC.

As to omnibuses frequenting borough.

63.—(1) For the purposes of the Town Police Clauses Acts 1847 and 1889 in their application to the borough the term "omnibus plying for hire" shall include an omnibus starting from outside the prescribed distance and bringing passengers within the prescribed distance if such passengers have purchased or procured from the owner of such omnibus or his representative or agent a ticket or otherwise entered into a contract entitling them to travel from any point within the prescribed distance to any other point.

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(2) As from such date as may be specified in an order of the Minister of Transport (which order the said Minister is hereby empowered to make at any time after the passing during this or the next session of Parliament of any general enactment relating to the subject matter of this section) this section shall cease to have effect.

Police telephone call boxes and fire alarms.

64. The Corporation may (*a*) erect or fix and maintain police telephone call boxes in such positions in any street road or public place within the borough as they think fit (*b*) with the consent of the road authority and with the consent and at the cost of the local authority (which cost the local authority are hereby authorised to incur) erect or fix street fire alarms in such positions as may be agreed in any street road or public place in the district of any local authority with whom the Corporation have entered into an agreement for the use of their fire brigade:

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

Provided also that the Corporation shall not under the powers of this section erect or fix any such police telephone call box or street fire alarm—

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

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

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

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

Fire plugs.

65. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient

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access to any fire alarm fire plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

Regulations for controlling traffic.

66.—(1) The Corporation may from time to time make regulations prescribing—

(*a*) the streets which are not to be used for traffic by vehicles of any specified class or description either generally or during specified hours;

(*b*) the streets or parts of streets in which vehicular traffic shall pass in one specified direction only either generally or during specified hours;

(*c*) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers :

Provided that—

(i) any regulation made under paragraph (*a*) of this subsection shall not apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises whilst so engaged nor outside the central area to any omnibus licensed by the licensing authority for the borough to ply for hire;

(ii) any regulation made under paragraph (*b*) or paragraph (*c*) of this subsection shall apply only within the central area;

(iii) no regulation shall be made under paragraph (*b*) of this subsection in respect of any street along which tramcars are for the time being operated in both directions.

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister of Transport for his approval and shall give notice of the subject-matters of the regulations by advertisement in a newspaper circulating in the borough and in the London Gazette and in such other manner (if any) as the said Minister may direct The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make

representations thereon to the said Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(3) The Minister of Transport shall consider any regulations submitted to him by the Corporation and any representations thereon which may be duly made and may approve the regulations with or without modifications or may disapprove the same.

(4) Before approving any regulations the Minister of Transport may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the said Minister for the services of such person.

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

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

(7) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper circulating in the borough and otherwise in such manner as may be prescribed by the Minister of Transport and shall also during the continuance of any regulation made under paragraph (*b*) of subsection (1) of this section and approved cause to be erected and maintained in suitable positions a warning notice in a form approved by the said Minister indicating the effect of the regulation and the street to which it relates.

(8) A copy of any regulations approved under this section purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly

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approved shall be evidence (until the contrary is proved) in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(9) As respects any regulation made and approved under this section (subject to any modification or extension made by the Minister of Transport as hereinafter provided) any person who—

(*a*) shall contravene any regulations under paragraph (*a*) of subsection (1) of this section after warning given by word or signal by a police constable in uniform; or

(*b*) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (*b*) of subsection (1) of this section and a warning notice shall have been erected pursuant to subsection (7) of this section in contravention of such regulation; or

(*c*) shall contravene any regulation under paragraph (*c*) of subsection (1) of this section;

shall be liable to a penalty not exceeding forty shillings.

(10) The Minister of Transport on the application of any company body or person appearing to him to be sufficiently interested and alleging that any regulation made under this section is unsuitable for the traffic requirements of the borough may if satisfied as to the correctness of such allegation and after considering any representations made to him by the Corporation modify or extend the regulation to which the application relates.

(11) In this section—

(*a*) "the central area" means the portion of the borough comprised within a circle having a radius of one mile from the parish church of All Saints; and

(*b*) "specified" means specified in any regulations made or approved under this section.

Regulations as to stands or stopping places of omnibuses.

67.—(1) The Corporation may make regulations prescribing within the borough—

(*a*) as respects omnibuses in general or omnibuses of any particular class or used on any particular route or running according to a published

time-table the stands which may be occupied exclusively by them and the places where they may stop for longer than is necessary for the purpose of picking up and setting down passengers; and

(*b*) the time during which any omnibus shall be allowed to remain at a prescribed stand or stopping place;

and any omnibus standing upon any such stand or stopping place in accordance with regulations made under this section shall be deemed to be within the exception in the ninth paragraph of section 28 of the Town Police Clauses Act 1847.

(2) Upon the coming into force of the regulations first made under this section the sixth paragraph of section 6 of the Town Police Clauses Act 1889 shall cease to extend to the borough and any byelaws made by the Corporation under that paragraph shall be repealed.

(3) Where the Corporation propose to make regulations under this section they shall cause notice of their proposal and a statement of the effect of the proposed regulations to be published in at least one local newspaper circulating within the borough and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the borough.

(4) Every such notice shall indicate the time (which shall not be less than twenty-eight days) within which any objection to the regulations shall be sent in writing to the Corporation and shall contain a notification of the place at which copies of the proposed regulations may be obtained free of charge.

(5) The Corporation shall consider and determine any objection to the proposed regulations which is sent to them in writing within the time fixed in that behalf and shall send notice of their decision to the objector who if he is dissatisfied with their decision may within fourteen days after the receipt of the notice appeal to the Minister of Transport.

(6) A notification of the right of appeal under this section shall be included in any notice sent by the Corporation of their decision on an objection to the regulations and upon any appeal being made to the said Minister notice in writing of the appeal and of the grounds thereof hall be given by the appellant to the Corporation.

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(7) The said Minister shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

(8) Before making any order under this section the said Minister may and if an appeal duly made is not withdrawn shall (unless the appeal appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the provisions in subsections (4) and (5) of the section of this Act the marginal note whereof is "Regulations for controlling traffic" as to expenses and notices of local inquiries shall extend to any local inquiry so directed by the said Minister.

(9) Where an objection has been made to regulations proposed by the Corporation under this section the regulations shall not be sealed by the Corporation until after the expiration of the time within which an appeal may be made by the objector to the said Minister or if an appeal to the said Minister has been made by the objector until after the determination or withdrawal of the appeal.

(10) Any company body or person running omnibuses in the borough may at any time apply to the said Minister to modify or extend any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the borough or has been unfairly enforced and upon any such application the said Minister after considering any representations made to him by the Corporation may modify or extend the regulation to which the application relates.

(11) No stand or stopping place shall be prescribed so as to interfere with the convenient access to or exit from any railway station or depot of a railway company.

Power to make regulations as to traffic on carnival &c. days.

68. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the borough at the times mentioned in that section to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

As to street traffic.

69. The Corporation may delegate their powers under section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 and under the last preceding section of this Act to a committee consisting of not less than five members of the council and any orders made or directions given by such committee under the said sections shall have the same force and effect as if made or given by the council.

Unauthorised riding upon vehicles.

70. Every person who shall ride upon or cause himself to be carried or drawn by any vehicle without the consent of the owner or driver or conductor or inspector in charge thereof shall be liable to a penalty not exceeding ten shillings.

Lost property.

71. Any property found and handed to a police constable shall be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed by the owner within three months after the finding thereof the Corporation shall give notice in writing to the finder and if such property be not claimed by the owner or the finder within a further period of three months it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the general rate fund or otherwise disposed of as the Corporation shall determine.

As to offences in burial grounds.

72. A person other than an officer of the Corporation or a person or the servant of a person employed by the Corporation in or about any work in connection with the burial grounds belonging to the Corporation shall not except for the purpose of properly tending any grave pluck out or otherwise interfere with any flower plant shrub wreath ornament or other thing on any grave in a burial ground belonging to the Corporation and any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Silencers for internal combustion engines.

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

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

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

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

Prohibition of vehicles &c. on grass margins.

74. No person shall wilfully ride or drive any horse cattle or vehicle on over or across any grass gravel or other area separated from the carriageway by means of a kerb and which is laid out or levelled and also maintained by the Corporation and is not intended for such use and any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding twenty shillings.

As to street vendors.

75. Every vendor of or dealer in any article vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly and conspicuously displayed or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings.

Penalty for street trading on Sunday.

76. Every person who shall on Sunday in any street or public place within the borough call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any article or commodity shall for every such offence be liable to a penalty not exceeding forty shillings.

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Use of market place &c. for public meetings &c.

77. The Corporation may permit any land (not being part of a street) used for the purposes of any market or cattle market and any open land belonging to them to be used for public meetings public services and speaking and public lectures or for entertainments and dancing and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto and may make such charges for such user as they may from time to time determine but nothing in this section shall operate to prevent the holding of any market.

Extension of Vagrant Act Amendment Act 1873.

78. Land which is open and unbuilt upon although fenced and to which persons resort whether by permission of the owner or not shall be deemed to be an open and public place within the meaning of the Vagrant Act Amendment Act 1873.

Offences by weighing machine keepers and others.

79.—(1) Any person keeping or who acts as a keeper of a weighing machine who shall—

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

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

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

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

(*e*) weigh any vehicle knowing that anything had been added to the loading thereof so as to increase the weight of the same or that the

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wheels thereof had been changed between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein; or

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

shall be liable to a penalty not exceeding five pounds:

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

(2) Any person who shall knowingly act or assist in the committing of any fraud respecting the weighing or weight of any such vehicle or the loading thereof which shall be weighed or brought to be weighed at any such machine or which shall be alleged to have been weighed at any such machine shall be liable to a penalty not exceeding five pounds.

Penalties on persons committing frauds.

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

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

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

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

(*d*) after the weighing of such vehicle with the loading of the same removes any part of such loading and afterwards disposes or attempts

to dispose of the residue of such loading as being the full loading denoted by such ticket;

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

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

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

shall be liable to a penalty not exceeding five pounds.

Punishment of persons having in their possession or conveying stolen goods.

81. Every person who has in his possession or conveys in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained shall unless he gives an account to the satisfaction of the court how he came by the same be liable to a penalty of not more than five pounds or in the discretion of the court to imprisonment with or without hard labour for any period not exceeding two months.

PART X.

FINANCE.

Power to borrow.

82.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period")

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mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment calculated (except when otherwise stated) from the date or dates of borrowing.
	£	
(*a*) The purchase of lands - - -	47,200	Sixty years.
(*b*) The construction of street improvements authorised by this Act.	12,300	Thirty years.
(*c*) The construction of the work authorised by Part IV of this Act.	5,000	Twenty years.
(*d*) The provision of trolley vehicles -	27,000	Ten years.
(*e*) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles.	28,000	Twenty years.
(*f*) The provision of omnibuses - -	9,100	Eight years.
(*g*) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also—

(i) with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of Part III (Transport) of this Act;

(ii) with the consent of the Electricity Commissioners borrow such further money as may be necessary for any of the purposes of Part IV (Electricity) of this Act;

(iii) with the consent of the Minister borrow such further money as may be necessary for any of the purposes of this Act other than those referred to in paragraphs (i) and (ii) of this subsection.

(3) In order to secure the repayment of any money borrowed under this Act and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

(4) Any money borrowed under this Act with the consent of the Minister of Transport the Electricity

Commissioners or the Minister shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister or Commissioners with whose consent it is borrowed.

Incorporation of financial provisions.

83. The following sections of the Acts hereinafter mentioned shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say):—

Act of 1896—

Section 30 (Mode of repayment of moneys borrowed);

Section 32 (Protection of lender from inquiry);

Section 34 (Corporation not to regard trusts);

Section 35 (Power to borrow under Local Loans Act 1875);

Section 37 (Application of moneys borrowed).

Act of 1911—

Section 85 (Provisions of Public Health Act as to mortgages to apply);

Section 88 (Appointment of receiver);

Section 91 (Expenses of execution of Act).

Act of 1915—

Section 39 (Receipt in case of persons not sui juris).

Power to borrow by issue of bonds.

84.—(1) In addition to any other form of borrowing the Corporation may borrow any sums which they have power to borrow under this Act or any other Act or Order by the issue of bonds to be called "Rotherham Corporation bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act.

(2) The provisions set out in the Second Schedule to this Act shall have effect with regard to bonds.

(3) All bonds issued under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of issue of the bonds or on any other ground whatsoever and shall also rank equally with and have the same status as all other securities issued by the Corporation.

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(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Capital reserve fund.

85.—(1) The Corporation may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the water gas electricity tramway and markets undertakings of the Corporation) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating such sums out of the general rate fund (other than moneys derived from the above-mentioned undertakings) as the Corporation from time to time deem expedient :

Provided that—

(*a*) Any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to section 9 of the Rating and Valuation Act 1925 ;

(*b*) That appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of fifty thousand pounds.

(2) (*a*) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall be either invested in statutory securities or used in the manner provided by section 95 (Use of moneys forming part of sinking and other funds) of the Act of 1924.

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

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Gifts and bequests.

86.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the borough and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from the general rate they may subject to any condition or restriction attaching to such power expend money so raised in the execution of such works in relation to the subject-matter of the gift.

(2) This section shall not extend to property relating to the affairs of the church within the meaning of the Local Government Act 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) Accounts of the income and expenditure of the Corporation under this section shall be kept by the treasurer and shall be made up and audited as part of the general accounts of the Corporation.

Amendment of financial provisions.

87. The following provisions of the Act of 1915 relating to mortgages shall with the necessary modifications apply to any authorised security as if it were a mortgage (namely) :—

Section 39 (Receipt in case of persons not sui juris);

Section 45 (Evidence of transfer of mortgages).

Interest on securities held jointly.

88. Where any authorised security is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter or power of attorney for receipt of the interest thereon shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by two or more credible witnesses but the Corporation or the treasurer before acting on the letter or power of attorney may if they or he think fit require proof to their or his satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

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Dividend warrants by post.

89.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security 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 letters containing orders for the payment of interest or dividend warrants 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 letters containing the same 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 in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

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

Payments into sinking fund.

90. Section 121 (Payments into sinking fund) of the Act of 1928 shall have effect as if in subsection (2) thereof the word "may" were substituted for the word "shall."

Amendment of section 124 of Act of 1928.

91. Section 124 (Accounts of water tramway and markets undertakings) of the Act of 1928 shall have effect as if for the second proviso to subsection (4) thereof the following were substituted :—

"Provided also that the provisions of this subsection shall not apply until the aggregate amount of the said excess revenue which shall have arisen

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after the passing of this Act shall have equalled the total of—

(*a*) the amount which under section 80 of the Rotherham and Kimberworth Local Board of Health Act 1863 would have been repayable in respect of moneys advanced out of the general district rate and which has not been repaid before the passing of this Act; and

(*b*) the sum (if any) which may from time to time be required to balance the amount by which the total amounts expended or set aside in any year after the passing of this Act in connection with the water undertaking in respect of the several purposes mentioned in paragraphs (*a*) to (*e*) inclusive of subsection (1) of this section has exceeded the revenue of such year or years."

Power to Corporation to advance money for erection of buildings.

92.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired by them under the provisions of the Act of 1924 or the Act of 1928 or this Act and with the consent of the Minister to the purchaser or lessee of any other lands belonging to the Corporation and not required for the purposes for which they were acquired for the purpose of enabling or assisting him to erect buildings on such land provided that any advance shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the land with the intended building erected thereon.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being prescribed by the Minister for the purposes of loans under the Small Dwellings Acquisition Acts 1899 to 1923 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and such purchaser or lessee.

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

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

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

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

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

PART XI.

MISCELLANEOUS.

Machinery &c. for and treatment of refuse.

93.—(1) The Corporation may provide such buildings machinery plant and substances as may be required for the separation or treatment of any refuse or other material collected by them or on their behalf and for the utilisation by way of manufacture or otherwise of any such refuse or other material whether before or after incineration.

(2) Any article or product manufactured or obtained under this section may be sold or otherwise disposed of by the Corporation and any profits so made shall be paid into the general rate fund.

Further powers as to rivers and streams.

94.—(1) For the purpose of preventing floods in the borough or any part thereof or damage to the walls or banks of any river stream or watercourse in the borough arising out of such floods the Corporation may within the borough—

(i) by agreement purchase and hold lands on and in the neighbourhood of the banks of any river stream or watercourse;

(ii) widen invert pitch straighten strengthen and improve with such materials as the Corporation think fit or cover in or otherwise improve all or any portions of the waterway bed or course banks and walls of any river stream or watercourse;

(iii) cleanse scour and dredge any such river stream or watercourse; and

(iv) deposit any materials excavated or dredged under the provisions of this section on any lands adjacent to any such river stream or watercourse.

(2) For the purposes of this section the Corporation their officers and servants with or without carts or other vehicles may from time to time enter upon any lands or premises adjoining any such river stream or watercourse as aforesaid:

Provided that except in cases of emergency the Corporation shall not exercise the powers of this section otherwise than in the daytime.

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(3) Section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply to cases where damage is sustained by the exercise of the powers of this section.

(4) The Corporation shall not exercise the powers of this section so as to cause damage to or interference with the railway or works of any railway company except with the consent of such railway company.

For further protection of London Midland and Scottish Railway Company.

95. For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation apply and have effect in regard to the exercise by the Corporation of the powers of the section of this Act of which the marginal note is "Further powers as to rivers and streams" (that is to say):—

(*a*) The Corporation shall not carry out any works under the powers of the said section so as to in any way interfere with the waterway bed or course of any river stream or watercourse passing under through or by the side of any work of the company until after fourteen days' previous notice in writing shall have been given to the principal engineer for the time being of the company;

(*b*) All such works where situate under through or by the side of any work of the company shall be done under the superintendence if given and to the reasonable satisfaction of such engineer;

(*c*) All works done under the powers of the said section shall be done so as not to cause any injury to any such work of the company and if any injury shall arise to any such work of the company in consequence of any such works of the Corporation the Corporation shall make compensation to the company in respect of such injury;

(*d*) Any dispute or difference which may arise between the company and the Corporation with reference to the provisions of this section or in anywise arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be

appointed by the President of the Institution of Civil Engineers on the application of either the company or the Corporation and the Arbitration Act 1889 shall apply to any such arbitration.

Penalty for throwing rubbish into streams.

96. Every person who throws or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream or watercourse within the borough so as to interfere with the due flow of such river stream or watercourse shall be liable to a penalty not exceeding five pounds.

For protection of Sheffield and South Yorkshire Navigation Company.

97. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the Sheffield and South Yorkshire Navigation Company (in this section referred to as "the company") shall except so far as may be otherwise agreed in writing between the company and the Corporation apply and have effect (that is to say):—

(1) The powers of the section of this Act whereof the marginal note is "Further powers as to rivers and streams" shall not be exercised by the Corporation (otherwise than with the consent of the company) on the river Don except (*a*) on that part of the said river which lies between the foot of Jordan Weir and a point twenty chains or thereabouts above the junction of the river Rother with the said river Don and (*b*) on that part of the said river which lies between the foot of the Rotherham Weir adjoining the works of the Rotherham Forge and Rolling Mills Company Limited and a point fifty yards below the point in the river at which the boundaries of the borough the urban district of Greasbrough and the urban district of Rawmarsh meet:

(2) The provisions of the section of this Act whereof the marginal note is "Penalty for throwing rubbish into streams" shall not prevent the company from exercising any powers vested in them except in regard to rubbish or other solid matter thrown or carried into the parts of the river Don referred to in subsection (1) of this section.

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Charges for refrigerating apparatus.

98. Where a person who takes a supply of water from the Corporation otherwise than by meter desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall be taken by meter on the conditions and paid for at the rates for the time being in force for the supply of water by meter but not exceeding one shilling and ninepence per thousand gallons:

Provided that if the person is only taking a supply of water from the Corporation for domestic purposes the minimum sum per quarter which may be demanded by the Corporation for the water used for or in connection with the refrigerating apparatus shall not exceed ten shillings.

Register of meter to be prima facie evidence.

99. Where water is supplied by the Corporation by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any charge is made and sought to be recovered by the Corporation:

Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Penalty for interfering with valves &c.

100. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

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As to appeal.

101. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part V (Streets and buildings) and Part VII (Infectious disease and sanitary) of this Act or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Period for compulsory purchase of lands.

102. The powers of the Corporation for the compulsory purchase of lands for the purposes of Part II (Street improvements) of this Act shall cease after the expiration of five years and for the other purposes of this Act after the expiration of three years from the first day of October nineteen hundred and thirty.

Crown rights.

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

Incorporation of sections from existing Acts.

104. The following sections of the Acts hereinafter mentioned shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say) :—

The Act of 1900—

Section 50 (As to assessment of compensation);

Section 51 (Correction of errors &c. in deposited plans and book of reference);

Section 54 (Persons under disability may grant easements &c.);

Section 57 (Power to retain sell &c. lands);

Section 58 (Proceeds of sale of surplus lands); and

Section 59 (Agreements with landowners).

The Act of 1904—

Section 49 (Power to appropriate lands);

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Section 181 (Persons acting in execution of Act not to be personally liable);
Section 183 (Inquiries by Local Government Board);
Section 184 (Authentication and service of notices &c.);
Section 186 (Compensation how to be determined);
Section 188 (Recovery of penalties &c.);
Section 190 (Damages and charges to be settled by court);
Section 193 (Consent of Corporation to be in writing);
Section 194 (Saving for indictments &c.); and
Section 196 (Powers of Act cumulative).

The Act of 1911—

Section 61 (Temporary stoppage of streets); and
Section 98 (Recovery of demands in county courts).

The Act of 1915—

Section 21 (Owners may be required to sell parts only of certain lands and buildings); and
Section 23 (Compensation in case of recently altered buildings).

The Act of 1921—

Section 7 (Extinction of private rights of way);
Section 16 (Power to make subsidiary works); and
Section 17 (Power to alter steps areas pipes &c.).

The Act of 1924—

Section 7 (Power to enter upon property for survey and valuation);
Section 10 (Application of road materials excavated in construction works);
Section 11 (Land laid into streets to form part thereof);
Section 111 (Power to enter premises);
Section 119 (Informations by whom to be laid);
Section 120 (Confirmation of byelaws);
Section 122 (Judges not disqualified); and
Section 124 (Inquiries by Minister of Transport):

Provided that—

(1) In the exercise of the powers of section 57 of the Act of 1900 as applied to this Act the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any lands or interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained:

(2) Subsection (2) of section 183 of the Act of 1904 in its application to this Act shall be read and have effect as if the words "five guineas" were therein substituted for the words "three guineas":

(3) Section 61 of the Act of 1911 shall only apply to the works authorised by Part II (Street improvements) and Part III (Transport) of this Act:

(4) In the application of section 21 of the Act of 1915 that section shall have effect with the substitution of the Third Schedule to this Act for the Second Schedule to that Act:

(5) Section 23 of the Act of 1915 shall be read and have effect as if the fifteenth day of November nineteen hundred and twenty-nine were therein mentioned instead of the thirtieth day of November nineteen hundred and fourteen:

(6) Nothing in this section shall authorise the Corporation to apply the proceeds of any sale lease or other disposition of lands held by them for the purpose of the Education Act 1921 otherwise than subject to the provisions of section 115 of that Act:

(7) Section 111 of the Act of 1924 shall apply as if the words "Part V (Streets and buildings) "and Part VII (Infectious disease and "sanitary)" had been substituted therein for the words "Part VIII (Streets and "buildings) Part IX (Infectious disease and "sanitary matters) Part X (Maternity homes) "and this Part."

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Repeal.

105. The following enactments are hereby repealed :—

(*a*) Section 76 (Crossings between roadways and private premises) of the Act of 1879;

(*b*) Section 39 (Power to require intending passengers to wait in queues) of the Act of 1921;

(*c*) Section 84 (Regulations for controlling traffic) of the Act of 1924; and

(*d*) Section 82 (Property found in cars) of the Act of 1928.

Costs of Act.

106. The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and general rate or out of money to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

THE ADDED AREAS.

(i) The detached parts of the parish or township of Wentworth (hereinafter called "Wentworth") in the rural district of Rotherham which are surrounded by portions of the borough.

(ii) So much of Wentworth as lies within an imaginary line commencing at the junction of Hague Lane and Scholes Lane thence following the boundary between the borough and Wentworth generally in a westerly direction to the point in Hesley Lane where the boundaries of the borough and Wentworth and the parish or township of Ecclesfield meet thence in a north-westerly direction along the boundary between the parish or township of Ecclesfield and Wentworth to the most southerly corner of the enclosure numbered 407 on the 1/2500 Ordnance map of Yorkshire [West Riding] (edition 1923) sheet CCLXXXVIII–4 thence along the south-easterly boundaries of enclosures numbered 407 and 409 on the said map and along the south-westerly and north-westerly boundaries of enclosure numbered 20 on the said Ordnance map (edition 1922) sheet CCLXXXIX–1 and crossing Barnsley Road and thence along the borough boundary to the road known as Chapelfield Lane and along the centre line of Chapelfield Lane to a point 110 yards measured in a south-easterly direction from the premises known as Thorn Well and thence along the centre line of an occupation road to the north-western corner of the enclosure numbered 68 on the said map (edition 1905) sheet CCLXXXIII–13 thence generally in a south-easterly direction along the northern boundaries of enclosures numbered 68 69 58 71 2 42 and 3 on the said map and the eastern boundary of the said enclosure numbered 3 and across the eastern end of Wentworth Road to the point of commencement of the said imaginary line.

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THE SECOND SCHEDULE.

PROVISIONS AS TO ROTHERHAM CORPORATION BONDS.

1. Bonds shall be secured on the rates and revenues of the Corporation.

2. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

3. (*a*) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine.

(*b*) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(*c*) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

4. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the Town Hall Rotherham on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

5.—(1) The chief financial officer shall act as registrar and shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(*a*) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided.

(*b*) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

6.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and

specifying the denomination of the bond and the period for which it is issued. A.D. 1930.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.

BOROUGH OF ROTHERHAM.

Rotherham Corporation Bonds.

—— per centum Rotherham Corporation bond repayable at par on 19 at the Town Hall Rotherham.

This is to certify that of is the registered holder of a Corporation bond for pounds (£) issued by the mayor aldermen and burgesses of the borough of Rotherham under the Rotherham Corporation Act 1930 at .

Signed

Registrar.

Date.

7. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

8.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

Rotherham Corporation Bonds.

I in consideration of the sum of paid by (hereinafter called "the transferee") do hereby assign and transfer to the said transferee To hold unto the transferee his executors administrators and

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assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the said transferee do hereby agree to accept and take the said subject to the conditions aforesaid.

As witness our hands and seals this day of in the year of our Lord one thousand nine hundred and

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Rotherham Corporation bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

9. The Corporation may close the register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September in any year respectively and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

10.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

11.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

12. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation for registration.

13. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

14. Where more persons than one are registered as joint holders of a bond any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation by any other of them.

15. No notice of any trust shall be entered in the register or in any other book kept by the Corporation or be receivable by the Corporation.

16.—(1) If at any time any interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes of this Act.

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THE THIRD SCHEDULE.

LIST OF PROPERTIES OF WHICH PARTS ONLY MAY BE ACQUIRED.

Area.	Nos. on deposited plans.
The borough - -	8 16 17 18 19 26 27 32 33 35 36 37 40 42 43 49 50 52 53 56 and 57.

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