CHAPTER xli.

An Act to confer further powers on the Rugby Corporation in relation to their water and electricity undertakings lands and other matters to make further and better provision for the improvement health and local government of the borough to make provision with regard to the audit of the accounts of the Corporation and their officers and for other purposes. A.D. 1933.

[18th July 1933.]

WHEREAS by a royal charter of incorporation granted in the month of August one thousand nine hundred and thirty-two the parish and urban district of Rugby in the county of Warwick was created as from the ninth day of November one thousand nine hundred and thirty-two a municipal borough (hereinafter referred to as "the borough") subject to the Municipal Corporations Acts and was placed under the local government of the mayor aldermen and burgesses of the borough acting by the council (hereinafter referred to as "the Corporation") who are also the urban sanitary authority for the district comprising the borough:

And whereas the Corporation are the owners of waterworks and are supplying water within the borough and it is expedient to make further provision with regard to their water undertaking:

And whereas by the Rugby Electric Lighting Order 1899 which was scheduled to and confirmed by the Electric

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Lighting Orders Confirmation (No. 4) Act 1899 the Corporation are supplying electricity for public and private purposes within part of the borough and it is expedient to make further provision in regard to their electricity undertaking :

And whereas it is expedient to make further provision in regard to streets buildings sewers and drains in the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough be enlarged as by this Act provided :

And whereas it is expedient that the provisions contained in this Act with regard to the audit of the accounts of the Corporation and their officers should be made :

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

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

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 :

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

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Rugby Corporation Act 1933.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Water.
Part III.—Electricity.
Part IV.—Streets buildings sewers and drains.
Part V.—Infectious disease and sanitary provisions.

Part VI.—Common lodging-houses.
Part VII.—Lands.
Part VIII.—Hackney carriage and traffic provisions.
Part IX.—Public buildings parks &c.
Part X.—Financial.
Part XI.—Miscellaneous.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

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

"The borough" means the borough of Rugby;

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the medical officer" "the surveyor" and "the sanitary inspector" mean respectively the town clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the Corporation and respectively include any person duly authorised to discharge temporarily the duties of those officers;

"The Act of 1901" and "the Act of 1923" mean respectively the Rugby Water and Improvement Act 1901 and the Rugby Urban District Council Act 1923;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition

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of Land (Assessment of Compensation) Act 1919;

"The Act of 1892" means the Private Street Works Act 1892;

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

"The water undertaking" means the water undertaking of the Corporation for the time being authorised;

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

"The electricity undertaking" means the electricity undertaking of the Corporation for the time being authorised;

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

"The Minister" means the Minister of Health;

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;

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

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

"Public service vehicle" has the same meaning as in the Road Traffic Act 1930;

"Hackney carriage" has the same meaning as in the Town Police Clauses Act 1847 but does not include a public service vehicle;

"Omnibus" has the same meaning as in the Town Police Clauses Act 1889 but does not include a public service vehicle as defined in the Road Traffic Act 1930;

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

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

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

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

PART II.

WATER.

Supply of water to houses partly used for trade &c.

5.—(1) The Corporation shall not be bound to supply with water otherwise than by meter (*a*) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (*b*) any public institution mental or other hospital

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(whether public or private) sanatorium school club hotel assembly hall restaurant public-house or inn or (*c*) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein.

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate.

(3) The amount to be paid for a supply of water by meter to any of the premises in this section mentioned (exclusive of meter rent) shall not in any one quarter of a year be less than the sum which would be payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

As to supplies by hosepipe.

6. Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of any such hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

Charges for supplies for refrigerating apparatus.

7. Where a person who takes a supply of water for domestic purposes from the Corporation desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Corporation shall be entitled to require that all water so used shall—

(*a*) be taken by meter and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or

(*b*) be paid for at such rates as may be agreed between the consumer and the Corporation.

Special terms for supplies to caravans shacks &c.

8.—(1) Notwithstanding anything in this or any other Act relating to the Corporation contained a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

Discounts.

9.—(1) The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding five per centum on the amount due in respect of any water rate or charge or any instalment thereof from any person who pays the same within such time after demand of the rate or any instalment thereof as the case may be as the Corporation shall prescribe :

Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rate or charge or any instalment thereof shall be demanded.

(2) If and so long as the Corporation allow such discount notice of the effect of this enactment shall be endorsed on every demand note for water rates and charges.

Amendment of section 35 of Waterworks Clauses Act 1847.

10. Section 35 of the Waterworks Clauses Act 1847 in its application to the Corporation shall be read and construed as if the words "one eighth part" were substituted therein for the words "one tenth part."

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Period of error in defective meters.

11.—(1) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as charges for water supplied by meter are recoverable by the Corporation.

Extension of power to inspect premises.

12. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Corporation may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

Stopcocks to be fitted in communication pipes.

13. In the case of all new buildings erected after the passing of this Act within the water limits and connected with the mains of the Corporation the Corporation may in cases where the communication pipes are laid by the owner or by the Corporation at his request require the owner at the time when the pipes are laid to insert or to have inserted a stopcock in the communication or service pipe from the said premises in some position as near as is reasonably possible to the main of the Corporation from which the supply is given to the said premises and if such owner make default the Corporation may insert a stopcock in such communication or service pipe and recover the expense from the owner as a civil debt.

Extension of powers for preventing waste &c. of water.

14.—(1) In addition to the powers conferred by section 48 (Byelaws for preventing waste of water) of the Act of 1923 the Corporation may make byelaws requiring the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus (in this section referred to

as " fittings ") and prescribing the charge to be made for such testing and stamping.

(2) Any person who shall forge or counterfeit any stamp or mark used by the Corporation or by the authority of the Corporation for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

(3) Nothing in this section or in any byelaw made thereunder shall apply to any fittings used on any premises (not being or being used as a hotel or dwelling-house) belonging to and forming part of the railway of a railway company so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Corporation.

Amendment of section 57 of Act of 1923.

15. Section 57 (Commencement of section 34 of this Act and repeal of section 33 of Act of 1901) of the Act of 1923 shall be read and have effect as if the expression " section 27 " had been substituted for the expression " section 33 " and for the purpose of removing doubts section 33 (Supply of water for other than domestic purposes and by measure) of the Act of 1901 shall have effect as if that section other than the last proviso were re-enacted in this Act.

PART III.

ELECTRICITY.

Incorporation of Electric Lighting (Clauses) Act 1899.

16. The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 (with the exception of sections 83 and 84 of that schedule) as amended by the Electricity (Supply) Acts 1882 to 1928 are incorporated with and form part of this Act and the electricity undertaking and the Corporation in respect thereto shall be subject to those provisions and so much of the Rugby Electric Lighting Order 1899 (which was scheduled to and confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1899) as is inconsistent with those provisions is hereby repealed without prejudice to anything done or suffered thereunder :

Provided that section 20 of the said schedule to the Electric Lighting (Clauses) Act 1899 in its application

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to the Corporation shall have effect as if after the words "electric signalling communication" wherever they occur there were inserted the words "or electrical control of railways."

As to electricity limits.

17. Where under the provisions of any Act or Order relating to the Corporation or the 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.

Supply to premises partly without electricity limits.

18. The Corporation may supply electricity to any house building or other premises which or the curtilage of which is partly within and partly outside the electricity limits in the same manner as if those premises were wholly within such limits:

Provided that the Corporation shall not supply electricity under this section to any premises within the limits of any other authorised undertakers without the consent of such undertakers which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

Agreements for supply of electricity.

19. Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person (other than authorised distributors) to whom the Corporation are authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

Minimum charges for electricity.

20. The minimum charges per quarter which are specified in the Fourth Schedule to the Rugby Electric Lighting Order 1899 shall be paid to the Corporation by the occupier of any premises connected to a distributing main of the Corporation in respect of each quarter of any year during the whole or any part of which quarter such premises are so connected whether electricity has actually

been consumed on such premises or not during the currency of such quarter. A.D. 1933.

Use for lighting purposes of electricity supplied for power.

21.—(1) No consumer to whom electricity is supplied by the Corporation shall without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Corporation for any other purpose.

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may for the time being be charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

(4) The provisions of section 18 of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

Power to cut off supplies where charges &c. not wholly paid.

22. The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which there remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from

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time to time determine any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any electric lines fittings or other apparatus let on hire by the Corporation or supplied by them on hire purchase terms and which the Corporation are under obligation to maintain.

Power to recover cost of cutting off supplies.

23. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

As to recovery summarily of sums due for fittings.

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

Charges for special readings of electricity meters.

25. The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings Provided that such charges shall not exceed the sum of two shillings and sixpence for each reading.

Amendment of section 157 of Act of 1901.

26.—(1) Section 157 (Byelaws with respect to electric fittings) of the Act of 1901 shall be read and have effect as if the words " or proposed to be supplied " were inserted therein after the word " supplied."

(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under the said section 157 as amended by subsection (1) of this section.

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(3) The Corporation may refuse to supply electricity or may cut off and discontinue the supply of electricity to any building or premises in which byelaws made under the said section 157 as amended by subsection (1) of this section are not complied with.

Further powers as to entry upon premises.

27.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any of the Acts or Orders relating to the electricity undertaking or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 section 16 of the Electric Lighting Act 1909 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway

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company for the purpose of their railway and forming part of any station or goods depot.

As to use of transformers.

28. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

Power to lay electric lines in private streets.

29.—(1) The Corporation may upon the application of the owner or occupier of any premises in the electricity limits abutting on or in process of erection in any street laid out or made and whether dedicated to the public use or not supply such premises with electricity and may lay down maintain take up alter relay or renew in over across or along such street such electric lines and works as may be requisite or proper for affording such supply and the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply to any works constructed or executed by the Corporation under the powers of this section.

(2) Provided that nothing contained in this section shall apply to any street belonging to and forming the approach to any station or depot of a railway company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Extension of section 58 of Act of 1923.

30.—(1) Section 58 (Power to construct electrical sub-stations under streets) of the Act of 1923 shall be read and have effect as if after the words " dedicated to public use " there were inserted the words " and (with the consent " of the persons liable to repair the same) any street not " so repairable or not dedicated to the public use " and as if the following proviso were inserted at the end of the section :—

" Provided also that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal

to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid."

(2) The provisions of this section shall not apply to any street not dedicated to public use belonging to a railway company and forming the approach to any station or depot of a railway company except with the consent of that company.

Protection of seals &c. belonging to Corporation.

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

Notice to discontinue supply of electricity.

32. A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left at or sent by post to the office of the Corporation or be given by the consumer personally at such office.

Service of electricity demand notes.

33. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the electricity undertaking.

Part IV.

Streets Buildings Sewers and Drains.

Development scheme may be required in connection with new streets.

34.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street within the meaning of the byelaws of the Corporation with respect to new streets the Corporation may require the owner of the estate or lands the development of which will be commenced or continued

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by the laying out of such new street to furnish the Corporation with plans sections and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans sections and particulars required as aforesaid shall be so furnished.

(2) If after the submission of the plans sections and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans sections and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict with such plans sections and particulars as approved and if any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

(4) (*a*) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans sections and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or the intimation to him by the Corporation of such refusal appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(*b*) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court of summary jurisdiction may direct.

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

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Adjustment of boundaries of estates.

35.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street within the meaning of the byelaws of the Corporation with respect to new streets or any provision in a local Act with respect to the width of new streets are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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

(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable

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as the lands exchanged therefor Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

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

Further powers as to future line of street.

36.—(1) Where an improvement line has been prescribed by the Corporation in pursuance of the power conferred on them by section 33 of the Public Health Act 1925 the Corporation may at any time on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

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(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(6) Nothing in this section contained shall apply to or affect any property occupied or used by a railway company for the purposes of their railway without the consent of the company:

Provided that any consent required by this subsection shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister.

Power to determine width of carriageways and footways.

37. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the borough repairable by the inhabitants at large Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

As to urgent repairs of private streets.

38. Where in the opinion of the Corporation repairs are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may at their own expense execute such repairs as they deem necessary and the execution thereof shall not prejudice or affect the operation with regard to such street at any subsequent date of the Act of 1892 or of section 19 of the Public Health Acts Amendment Act 1907 Provided that the cost of any such repairs shall not exceed ten pounds in the case of any such street at any one time.

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Means of access to buildings.

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

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

(3) The Corporation may if they think fit contribute towards the cost of the provision of means of communication or of the work required under this section.

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

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

(6) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction provided he give forty-eight hours' written notice of the appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(7) Notice of the right of appeal shall be endorsed on every notice communicating a requirement of the Corporation under this section.

Secondary means of access.

40. 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 terraces or other continuous blocks of houses not giving access through their own grounds to the backs of such houses to make and construct a back and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws and to keep such roads open and unobstructed for the full width thereof.

Power to place fences near school entrances.

41. The Corporation may from time to time place repair renew and maintain fences rails and posts on the sides of any footways or carriageways adjacent to the entrances to or exits from any school for the purpose of preventing danger from traffic along such carriageways to children going to or coming from such school and may remove the same when the Corporation shall think fit.

As to pavement lights.

42.—(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 room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing 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 agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

Compensation for injuring lamps &c.

43. Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post or fire alarm or street orderly bin or other receptacle for the temporary deposit and collection of

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dust ashes and rubbish or street sand bin being the property of the Corporation shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding ten pounds shall be recoverable summarily as a civil debt.

As to hoardings and similar structures.

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

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

(ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or

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

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

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

(*b*) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of

this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

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

(4) The provisions of this section shall not apply to a wall (not being a wall of a dwelling-house) constructed by or belonging to or which may hereafter be constructed by or belong to a railway company in the exercise of their statutory powers so long as such wall is used or held by such company primarily for railway purposes.

Height of obstructions to view at street corners.

45.—(1) For the purpose of facilitating traffic by removing obstructions to view within a distance of ten yards from the corner of any street the Corporation may give notice to the owner or occupier of any land situate within such distance prescribing the height not being less than four feet six inches above the ground level of such street at the nearest boundary of fences hoardings boundary walls banks hedges trees shrubs and similar obstructions within such distance of such corner and the following provisions shall have effect :—

(*a*) Unless such notice is withdrawn by the Corporation no person shall erect a fence hoarding boundary wall bank or similar obstruction or permit a hedge tree or shrub to grow at a greater height than that prescribed contrary to the requirements of the notice;

(*b*) If required by the Corporation the owner or occupier of such land shall reduce the height of any fence hoarding boundary wall bank hedge tree shrub or similar obstruction which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

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(2) Any person who contravenes the provisions of paragraph (*a*) of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may reduce the height of such fence hoarding boundary wall bank hedge tree shrub or similar obstruction to the height prescribed by them.

(3) If any person for the period of one month after the service of a notice upon him by the Corporation of a requirement under paragraph (*b*) of subsection (1) of this section fails to comply therewith the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(4) Where any tree hedge or shrub within fifteen yards of such corner obstructs such view as is referred to in subsection (1) of this section the Corporation may serve a notice on such owner or occupier requiring him to cut lop or top the tree hedge or shrub within fourteen days so as to prevent such obstruction and such notice shall be sufficient authority to the person so served to execute the work prescribed in the notice In default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(5) (*a*) Any person aggrieved by any notice given by the Corporation or any requirement of the Corporation under this section may within fourteen days from the date of such notice appeal to a court of summary jurisdiction.

(*b*) Any person so appealing shall give or cause to be given 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.

(*c*) Notice of the right to appeal shall be endorsed on every notice or requirement of the Corporation under this section.

(6) The provisions of this section shall not with regard to any fence hoarding boundary wall or similar obstruction existing at the date of the passing of this Act and used for advertising purposes be enforceable for a period of five years from such date and shall not apply

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to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless such structure fence or hoarding is not taken down or removed immediately after such construction alteration or repair is complete.

(7) Nothing in this section shall apply with respect to any wall belonging to a railway company where the wall forms part of or is necessary for the maintenance of their railway.

Projecting signs.

46.—(1) No person shall without the consent of the Corporation erect or place against or in front of any house or building any projection for advertising purposes which extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

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

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

(4) (*a*) Any person aggrieved by the withholding by the Corporation of any consent under the provisions of this section may within fourteen days from the date of the decision of the Corporation appeal to a court of summary jurisdiction.

(*b*) Any person so appealing shall give or cause to be given 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.

Direction signs.

47.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building

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or place at or near to the corner of any street signs indicating the classified road number of the Minister of Transport and the direction or the distance to towns railway stations public buildings and other places of a public character.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give 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 one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk 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 alter or otherwise damage 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.

(4) The exercise of the powers conferred on the Corporation by this section shall be subject to any regulations or orders made by the Minister of Transport or any general or special directions given by him with respect to traffic signs and signals in pursuance of the Road Traffic Act 1930.

As to fire-plugs &c.

48. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire-alarm fire-plug hydrant or valve chamber 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 and the Corporation may recover from such person the expenses of replacement and making good.

Banners and signs over streets.

49.—(1) If any flag banner streamer sign or lettering shall after the passing of this Act be suspended across or over the carriageway of any street without the consent in writing of the Corporation the owner of or person responsible for the suspension of such flag banner streamer sign or lettering shall be liable to a penalty not exceeding

twenty shillings and shall forthwith (upon receiving notice in writing from the Corporation requiring him so to do) remove the flag banner streamer sign or lettering.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such flag banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend the same or any similar flag banner streamer sign or lettering without the consent in writing of the Corporation or without complying with any conditions attached to any such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Corporation may themselves remove any such flag banner streamer sign or lettering and any expense incurred by them in so doing may be recovered by them summarily as a civil debt from such person.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such flag banner streamer sign or lettering as is referred to in subsection (1) of this section which was in use on the first day of November one thousand nine hundred and thirty-two.

(4) Any person aggrieved by any requirement of any notice of the Corporation or by the withholding of consent of the Corporation or the conditions attached to any such consent under the provisions of this section may within fourteen days after the service of such notice or the intimation to him of such withholding of consent or of the attaching of such conditions appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just Notice of the right to appeal shall be endorsed on every notice or intimation of the Corporation under this section.

(5) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

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Provisions as to forecourts.

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

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

(3) Any person aggrieved by any requirement of any notice of the Corporation under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Corporation 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.

(4) Notice of the right to appeal shall be endorsed upon every such notice served by the Corporation.

Restrictions on rights of breaking up streets in borough.

51.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the borough either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Corporation shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent

given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed:

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

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to arbitration.

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

Power to provide tubs for trees &c.

52. The Corporation may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants Provided that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

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Further power to make byelaws as to new buildings &c.

53.—(1) Section 157 of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect—

(*a*) a new building; or

(*b*) a chimney exceeding forty-five feet from the ground in height;

shall furnish the Corporation with drawings of the elevations and particulars as to the materials to be used in the external parts of such building or chimney (which drawings and particulars are in this section included in the expression "the specifications").

(2) Where specifications are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the submission to them of the specifications by notice in writing—

(*a*) approve the specifications; or

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

(3) The grounds on which a person may appeal under the section of this Act of which the marginal note is "As to appeal" shall include the ground that compliance with the Corporation's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building or chimney have been disapproved under this section it shall not be lawful to erect the building or chimney until the specifications thereof have been approved by the Corporation and any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) The provisions of this section shall cease to have effect in any part of the borough on the coming into

operation in that part of the borough of a scheme under the Town and Country Planning Act 1932 which contains provisions as to the design and external appearance of buildings and chimneys. A.D. 1933.

Byelaws as to construction of buildings flats &c.

54.—(1) Section 157 of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to—

(i) the number of dwelling-houses which may be erected in one block or in one continuous row;

(ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;

(iii) the situation construction and height of walls or fences upon or across such open space;

(iv) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;

(v) ensuring that any hole made through the wall of a building below the level of the ground shall be so stopped as to prevent the free passage of gas into the building;

(vi) for securing that any geyser or similar gas heated water apparatus of the rapid water-heating type or any gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated;

(vii) requiring every person who shall erect houses tenements or flats which are to be situate over shops or other premises to make and construct a principal means of access to such houses tenements or flats (otherwise than through any such shop or other premises) of such width as may be prescribed by such byelaws;

(viii) for securing that any new building shall not be constructed in such situation or manner as to impede the proper ventilation of any other building or to render any such other building or any part thereof unfit for human habitation or dangerous or injurious to health or to prevent necessary access to any such other building for purposes connected with the remedying of nuisances or the enforcing of any legal provisions relating to the public health.

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(2) Any byelaws made under paragraphs (v) and (vi) of subsection (1) of this section or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in paragraph (vi) of that subsection is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157.

Byelaws as to alterations to old buildings.

55. The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission in respect of the alteration of such plans and sections as can be required in relation to the erection of a new building.

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

56.—(1) The Corporation may by order prohibit or restrict the erection of buildings intended or adapted for use as dwelling-houses on any land within the borough which—

(*a*) is liable to flooding; or

(*b*) is unsuitable for buildings of that class by reason of the nature of the subsoil.

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

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

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

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

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

(7) The Corporation shall cause notice to be given of any order made under this section by advertisement in a newspaper circulating in the borough and otherwise in such manner as may be prescribed by the Minister.

(8) Any person who shall fail to comply with an order of the Corporation which has been approved with or without modification by the Minister shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

57.—(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 ordinary level of the sub-soil water on under or adjacent to the land on which such dwelling-house shall be erected unless such cellar or room be constructed in a watertight manner to the satisfaction of the Corporation.

(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.

Further provisions as to working class houses.

58.—(1) For the purposes of Part II of the Housing Act 1930 any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently

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papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Corporation under the said Part II shall apply in respect of such dwelling-house accordingly.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Corporation have served notice under section 17 of the Housing Act 1930 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

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

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

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

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

Amendment of section 92 of Act of 1923.

59. Where a building whether erected prior to or after the passing of this Act is newly converted after the passing of this Act into flats it shall be deemed to be a building erected after the passing of the Act of 1923 within the meaning of section 92 (Means of escape from buildings in case of fire) of the Act of 1923.

Amendment of section 94 of Act of 1901.

60. Section 94 (Erection of buildings to greater height than adjoining buildings) of the Act of 1901 shall be read and have effect as if the words "or the top of "such last-mentioned building whichever may be the "higher" were inserted after the words "or raised" where they last occur.

Powers on inspection.

61. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders

scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Dilapidated and neglected buildings.

62.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural position prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down such building and make good the site thereof or to repair such building (in this section referred to as a "neglected structure") or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down and the making good of the site of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation from the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of

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the structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs.

Amendment of section 62 of Public Health Act 1875.

63. Section 62 of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer or the sanitary inspector" were inserted therein after the words "the surveyor."

Sanitary conveniences used in common.

64.—(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 ensure that the same are allocated proportionately (as nearly as may be) amongst such dwelling-houses.

(2) The owner of any such sanitary conveniences shall cause to be and shall keep 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.

Conversion of existing accommodation into water-closets.

65.—(1) When a sewer and water supply sufficient for the purpose are available within a reasonable distance the Corporation may by written notice require any existing closet accommodation (including any closet which drains into a cesspit and a slop-closet and trough-closet but not including a watercloset of any other description) provided at or in connection with any building to be altered so as to be converted into a fresh-water closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer.

(2) If the owner of any such building fail in any respect to comply with a notice from the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the

work specified in such notice and may recover summarily as a civil debt from the owner the expenses incurred by the Corporation in so doing and subsection (3) of section 40 of the Public Health Acts Amendment Act 1907 shall apply to any such expenses as though they had been incurred under section 39 of the said Act :

Provided that the Corporation shall bear and pay such part of the expenses incurred by them (not being less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

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

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

As to defective drains &c.

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

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

Application of Private Street

67. Where the Corporation resolve to construct a sewer in a street or part of a street within the borough repairable by the inhabitants at large which has not

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Works Act 1892 to sewerage works in public streets in certain cases.

been previously sewered and pass a further resolution with respect to such sewer that in their opinion the construction thereof will increase the value of premises fronting adjoining or abutting on such street or part of a street the expenses of the construction of such sewer shall be recoverable and shall be apportioned and become charged (subject as mentioned in the Act of 1892) on the premises fronting adjoining or abutting on such street or part of a street in like manner as under the Act of 1892 the expenses of private street works executed in a street or part of a street not being a highway repairable by the inhabitants at large are made recoverable and are required to be apportioned and are charged on the premises fronting adjoining or abutting on such street or part of a street and all the provisions of the Act of 1892 (except sections 19 20 and 26 and paragraph (*b*) of section 7) shall apply as if such sewer were private street works and the expenses of the construction of such sewer were the expenses of executing such private street works as if in the definition of the expression "street" in section 5 the word "not" were omitted and as if in the said section 7 after paragraph (*f*) the following two paragraphs were inserted:—

"(*g*) That the proposed works will not increase the value of any premises of the objector;

(*h*) That the sum or proportion to be charged against any premises of the objector under the provisional apportionment is excessive having regard to the degree of benefit to be derived by such premises from the proposed works:"

Provided that—

(i) No expenses apportioned in pursuance of this section against agricultural land shall be recoverable until such land ceases to be agricultural land;

(ii) No expenses apportioned in pursuance of this section against premises (not being agricultural land) which prior to the first day of January one thousand nine hundred and twenty-eight were assessed to the general district rate or the rate for special expenses levied for the parish in which the premises were situate shall be recoverable unless such

premises have since that date been or shall be so altered that the alteration would be deemed to be the erection of a new building for the purposes of the Act of 1901 and the Public Health Acts;

(iii) If a part only of such land ceases to be agricultural land or a part only of such premises is altered in manner aforesaid then only the portion of the expenses attributable to such part shall become recoverable;

(iv) Interest shall not be payable to the Corporation on any moneys in respect of the time during which under provisos (i) (ii) and (iii) to this section they are irrecoverable; and

(v) If and so far as the sum apportioned is disallowed either on ground (*g*) or ground (*h*) hereinbefore described the amount disallowed shall be borne by the Corporation.

As to evasion by owners of private street works expenses.

68. If—

(i) any owner of land fronting adjoining or abutting on a street as defined by the Act of 1892 or on a street within the meaning of the section of this Act of which the marginal note is "Application of Private Street Works "Act 1892 to sewerage works in public "streets in certain cases" and situate in the borough conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and

(ii) any expenses of private street works carried out by the Corporation under the Act of 1892 in or in relation to that street or any expenses of the construction of a sewer under the said section of this Act in or in relation to that street are apportioned on such part or portion of that land; and

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

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

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

Apportionment and recovery of expenses of construction of sewer constructed before land became a street.

69.—(1) In any case in which the Corporation incur expenses in constructing after the passing of this Act a sewer in or under land within the borough and such land becomes a street (whether repairable by the inhabitants at large or not) after such sewer is constructed such expenses shall be recoverable and shall be apportioned and become charged (subject as mentioned in the Act of 1892) on the premises fronting adjoining or abutting on such street in like manner as under the Act of 1892 the expenses of private street works executed in a street not being a highway repairable by the inhabitants at large with respect to which a resolution has been passed by the Corporation under subsection (1) of section 6 of that Act are made recoverable and are required to be apportioned and are charged on the premises fronting adjoining or abutting on such street and all the provisions of the Act of 1892 (except sections 11 18 19 20 25 and 26 and subsection (1) of sections 6 and 21) shall apply subject to the adaptations thereof set forth in the First Schedule to this Act Provided that—

(i) Where any sum so apportioned and charged in respect of the expenses of construction of any sewer is recoverable from a person against whose compensation in respect of the carrying of the same sewer into through or under his lands an amount for enhancement of value has been set off in pursuance of the section of this Act whereof the marginal note is "Benefits to be "set off against compensation in respect of

" sewers " the amount so set off shall be deducted in arriving at the sum to be so apportioned and charged and recoverable;

(ii) No expenses apportioned in pursuance of this section against agricultural land shall be recoverable until such land ceases to be agricultural land;

(iii) If a part only of such land ceases to be agricultural land then only the portion of the expenses attributable to that part shall become recoverable; and

(iv) Interest shall not be payable to the Corporation on any moneys in respect of the time during which under paragraphs (ii) and (iii) of this proviso they are irrecoverable.

(2) In this section the expression " street " includes part of a street.

Definition of " agricultural land."

70. For the purposes of the sections of this Act whereof the marginal notes are respectively " Application " of Private Street Works Act 1892 to sewerage works " in public streets in certain cases " and " Apportionment " and recovery of expenses of construction of sewer " constructed before land became a street " the expression " agricultural land " shall have the same meaning as in the Rating and Valuation (Apportionment) Act 1928.

Benefits to be set off against compensation in respect of sewers.

71. In estimating the amount of compensation to be paid by the Corporation to any person in respect of the carrying of any sewer into through or under any lands within the borough the enhancement in value of any lands of such person over or on either side of such sewer and of any other lands of such person through which the sewer is not carried arising out of the construction of the sewer shall be fairly estimated and shall be set off against the said compensation.

Saving for railway companies.

72. Nothing in this Part of this Act except the sections of which the marginal notes are—

" Adjustment of boundaries of estates ";

" Further powers as to future line of street ";

" As to urgent repairs of private streets ";

" As to pavement lights ";

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"As to hoardings and similar structures";

"Height of obstructions to view at street corners";

"Direction signs";

"Banners and signs over streets";

"Prohibition on use of unsuitable land for erection of dwelling-houses";

"Powers on inspection";

"Application of Private Street Works Act 1892 to sewerage works in public streets in certain cases";

"Apportionment and recovery of expenses of construction of sewer constructed before land became a street";

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

PART V.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Extended meaning of "infectious disease" for certain purposes.

73.—(1) For the purposes of section 109 (Power to close Sunday schools and exclude children from entertainments) section 110 (Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails) and section 111 (Notification of infectious disease to teachers) of the Act of 1923 the expression "infectious disease" includes measles german measles whooping cough chicken pox ringworm influenza mumps and scabies as well as infectious disease as defined by the section of this Act of which the marginal note is "Interpretation."

(2) For the purposes of section 126 of the Public Health Act 1875 as amended by section 62 of the Public Health Acts Amendment Act 1907 the expression "dangerous infectious disorder" includes infectious

disease as defined by the section of this Act of which the marginal note is "Interpretation" and also (in the case of exposure in covered buildings or public conveyances) measles and whooping cough. A.D. 1933.

Supply of antidotes against infectious disease.

74. The Corporation may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

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

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

Entry into premises in case of dangerous infectious disease.

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

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

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

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

(2) For the purposes of this section the expression "dangerous infectious disease" has the same meaning as in section 60 of the Public Health Act 1925.

(3) Any person who obstructs the medical officer in the exercise of his power under this section shall

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Cleansing of dwelling-houses in certain cases.

77. When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Corporation (who shall give to the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Corporation to cleanse and disinfect the dwelling-house and the Corporation may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary.

Disinfection in case of tuberculosis.

78.—(1) (*a*) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

(*b*) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by and at the cost of the Corporation under the superintendence of the medical officer Provided that any such building or part thereof may without any such notice being given as aforesaid but

with the consent of the owner or occupier be cleansed and disinfected by and at the cost of the Corporation under the superintendence of the medical officer. A.D. 1933.

(*c*) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any person who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(*d*) Every person who shall wilfully obstruct any person duly authorised by the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) (*a*) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner or person in possession of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(*b*) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the person from whom they were taken free of charge.

(3) If any person sustains any damage by reason of the negligent exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

Further provisions as to dustbins.

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

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(2) The owner or occupier of all premises in connection with which a dustbin has been provided as required by section 123 (Regulation bins for refuse &c.) of the Act of 1923 shall if so required by the Corporation pay to the Corporation on each first day of April after such provision such sum not exceeding three shillings and sixpence as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such dustbin Such payments shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance of such dustbin under subsection (2) of the said section 123.

(3) Any person contravening the provisions of subsection (1) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

Prohibiting sorting of contents of ashbins.

80.—(1) It shall not be lawful for any person (other than a person appointed by the Corporation for the purpose of emptying dustbins ashtubs or other receptacles for refuse) to sort turn over or disturb the contents of any such receptacle when placed in any street or in any forecourt adjoining any street for the purpose of the removal of such contents by the Corporation.

(2) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

Byelaws as to stables.

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

As to infected stables and other places.

82.—(1) Where the medical officer has certified that any infectious or parasitic disease has appeared in any stable cowshed or other place within the borough where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Corporation may make an order

requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

Provisions as to tents vans &c.

83.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the borough 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 kept free from obstructions.

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

Prohibition of tents vans &c.

84.—(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 without the previous approval of the Corporation.

(*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 approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to

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a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem meet The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(3) This section shall not apply to (*a*) a tent van shed or similar structure unless it is 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 travelling roundabout proprietor travelling showman or stallholder travelling with a travelling show not being a pedlar or hawker.

(4) 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 twenty shillings.

Byelaws as to inspection of meat.

85.—(1) The Corporation may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the borough and intended for food from being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation.

(2) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1925 apply or which has been inspected and passed as fit for food by the medical officer of health of the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district but the Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughter-house which is situate outside the borough but within a circle having a radius of eight miles from the market place in the borough for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the borough.

(4) Before making any such byelaws the Corporation shall give not less than one month's notice to the Rugby and District Master Butchers' Association and to the Warwickshire branch of the National Farmers' Union of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association and branch thereon before the Corporation submit such byelaws to the Minister for confirmation and such association and branch shall be entitled to make representations to the Minister with regard thereto.

(5) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

Extension of powers of section 72 of Public Health Act 1925.

86. Section 72 of the Public Health Act 1925 (except paragraphs (*d*) and (*e*) of subsection (2) of that section) shall apply so far as applicable to a yard in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

Power to prohibit persons suffering from tuberculosis from handling &c. food.

87.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed in the cooking preparation or handling of food (other than milk to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply) intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to discontinue his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to discontinue his

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employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

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

Registration of premises used for preparation of potted and preserved foods.

88.—(1) Any premises within the borough used or proposed to be used for the preparation or manufacture of sausages sausage meat or potted pressed pickled or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier or intending occupier thereof with the Corporation.

(2) Any person using for any of the purposes mentioned in subsection (1) of this section any premises in the borough not registered for that purpose pursuant to this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) If the Corporation are satisfied that any premises registered or sought to be registered with them pursuant to this section are unsuitable for the purpose for which they are registered or sought to be registered they may serve upon—

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

(*b*) the person applying for such registration;

(as the case may be) a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice remove the premises from the register or refuse to register the premises (as the case may be) and if he fails to show cause to their satisfaction accordingly they may remove the premises from the register or refuse to register the premises (as the case may be).

(4) Any person aggrieved by the decision of the Corporation under subsection (3) of this section may within fourteen days from the date of such decision appeal to a court of summary jurisdiction provided that he gives or causes to be given written notice of such appeal and of the grounds thereof to the Corporation before lodging his

appeal The court may on any such appeal by order either confirm the decision of the Corporation or require the Corporation to retain the premises on the register or to register the premises (as the case may be) and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(5) The Corporation or the person aggrieved may appeal from the decision of the court of summary jurisdiction under subsection (4) of this section to the next practicable court of quarter sessions who may confirm or reverse the order of the court of summary jurisdiction.

(6) The decision of the Corporation to remove any premises from the register or to refuse to register any premises shall not have effect until the expiration of the time prescribed by subsection (4) of this section for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is either abandoned or determined and where notice of appeal from a court of summary jurisdiction under this section is duly given according to the provisions of the Summary Jurisdiction Acts such decision of the Corporation as aforesaid shall not take effect until the appeal to quarter sessions is either abandoned or determined.

(7) In the case of meat or fish the word " preserved " in subsection (1) of this section includes preparation by any process of cooking.

(8) This section shall not apply to hotels restaurants or other premises where food is in the ordinary course of business prepared for consumption on the premises.

Registration of ice-cream manufacturers and premises.

89.—(1) (*a*) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough; and

(*b*) any premises within the borough used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

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

(2) No person shall within the borough carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he

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be so registered and no premises within the borough shall be used for the purposes aforesaid unless they be so registered.

(3) 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.

(4) (*a*) This section shall not apply to any premises used as a club hotel or restaurant.

(*b*) This section in its application to any premises used as a theatre music hall or cinematograph theatre shall be read and have effect as if paragraph (*a*) of subsection (1) thereof were restricted to manufacturers for the purpose of sale of ice-cream or other similar commodity and as if the purposes mentioned in paragraph (*b*) of that subsection were restricted to the manufacture for the purpose of sale of ice-cream or other similar commodity.

Power to refuse registration of or remove from register ice-cream manufacturers and premises.

90.—(1) The Corporation may if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity in relation to the quality storage or distribution of the ice-cream or other commodity serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register him or remove him from the register as the case may be either absolutely or in respect of any specified premises and if he fail to show cause to their satisfaction accordingly they may refuse to register him or remove him from the register as the case may be.

(2) Any person aggrieved by any such decision of the Corporation as aforesaid may within twenty-one days give notice of appeal to a court of summary jurisdiction and that court may require the Corporation to register such person or not to remove him from the register.

(3) The Corporation or such person as aforesaid may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions who may confirm or reverse the order of the court of summary jurisdiction.

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(4) The decision of the Corporation to refuse registration or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is determined and where notice of appeal from a court of summary jurisdiction under this section is duly given according to the provisions of the Summary Jurisdiction Acts such decision of the Corporation as aforesaid shall not take effect until the appeal to quarter sessions is either abandoned or determined.

(5) Where the appeal is from a refusal to register such person as aforesaid may until the appeal is finally determined carry on business as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity notwithstanding that he is not registered.

As to street vendors of food.

91. Every dealer in any article intended for the food of man vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or from any market stall shall have his name and address legibly painted inscribed or displayed on such cart barrow vehicle stand pail container or receptacle or clearly exhibited on such market stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings:

Provided that any act or omission contrary to the provisions of this section which also constitutes an infringement of section 6 of the Milk and Dairies (Consolidation) Act 1915 or any regulations made under the Public Health (Regulations as to Food) Act 1907 shall not render such person liable to a penalty under this section.

Penalty on original vendor of unsound meat.

92.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) 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 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

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proves that at the time he sold the animal or article he did not know and had no reason to believe that it 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 and this section) 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 or sanitary inspector of the intention of the medical officer or sanitary 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 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.

Further powers in relation to unsound food.

93. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary 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 the food of man and the provisions of such sections shall apply accordingly :

Provided that nothing in this section shall authorise the inspection examination and search of any cart or

other vehicle belonging to a railway company and used by them for the purposes of their traffic or any basket sack bag or parcel in the possession of such company as carriers thereof.

Medical practitioners to notify cases of food poisoning.

94.—(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 council 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 occur in his private practice and of one shilling if the case occur 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.

Prohibition of blowing or inflating carcases.

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

Byelaws as to lodging-houses.

96. Section 6 of the Housing Act 1925 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say) :—

(1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof :

(2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

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Notice to be given of this Part of Act.

97.—(1) Public notice of the effect of the 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 VI.

COMMON LODGING-HOUSES.

As to periods of letting as affecting common lodging-houses.

98. No house or part of a house within the borough shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this Part of this Act or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

As to common lodging-houses.

99.—(1) (*a*) The Corporation may without prejudice to their powers under the Public Health Acts refuse to register or to renew the registration of any house as a common lodging-house unless they are satisfied—

(i) that the premises are suitably equipped for use and occupation as a common lodging-house; and

(ii) that the use of the premises as a common lodging-house is not likely to occasion inconvenience or annoyance to the inhabitants or persons in the neighbourhood.

(*b*) If the Corporation refuse to grant or renew registration under this subsection they shall if required by the applicant deliver to him a statement in writing of the ground or grounds on which registration is refused.

(*c*) If the registration or renewal of registration be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that the appeal be made within fourteen days from the date of the refusal and that not less than twenty-four hours notice of the appeal be sent to the Corporation.

(*d*) If the registration or renewal of registration be refused on the ground that the premises are not suitable

or suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a properly qualified surveyor or architect to examine and report to them on the condition of such premises and their suitability for the purposes of a common lodging-house and the expenses of any such examination and report shall be paid in such manner and by such parties to the appeal as the court may direct.

(*e*) On any such appeal the court may after considering any representations made by the Corporation either by order confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.

(2) Notwithstanding anything in the Public Health Acts the registration of a common lodging-house whether registered before or after the commencement of this Act shall remain in force only for such time not exceeding one year as may be fixed by the Corporation but may be renewed from time to time by the Corporation.

(3) Notice shall be given to the Corporation of the death of any common lodging-house keeper forthwith after the death shall have occurred and the right by section 77 of the Public Health Act 1875 conferred on the widow or any member of the family of a common lodging-house keeper to keep such common lodging-house open and to receive lodgers therein for four weeks after such death without registration shall not be exerciseable unless such notice shall have been duly given.

Byelaws as to common lodging-houses.

100. Section 80 of the Public Health Act 1875 shall operate so as to include the making by the Corporation of byelaws as regards the maintenance in good condition and free from obstructions of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house and for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any byelaws applicable thereto and of a placard setting forth the cubical contents and the accommodation thereof.

Notice to keepers of common lodging-houses.

101. Within one month after the commencement of this Act the Corporation shall give notice of the provisions of this Part of this Act to the keeper of every common lodging-house in the borough.

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Part VII.

Lands.

Further powers for acquisition of lands.

102.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any money so borrowed shall be repaid within such period as may be prescribed by the Minister.

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

Power to develop lands &c.

103.—(1) The Corporation may with respect to any lands for the time being belonging to them and not required for the purpose for which they were acquired exercise all or any of the following powers (namely) :—

(*a*) They may with the consent of the Minister lay out and develop any such lands and on any such lands may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways;

(*b*) They may grant any easements rights or privileges in under or over any such lands and may pull down and remove any house or other building situate on any such lands and use or dispose of the materials thereof.

(2) The Corporation may sell lease exchange or otherwise dispose of any houses shops offices warehouses or buildings erected or situate on any such lands and

may grant building leases of any such lands as aforesaid upon and subject to such terms conditions and restrictions as they may think fit including conditions and restrictions as to any buildings to be erected and the use to which such buildings may be put.

(3) The powers conferred by this section shall be in addition to and not in derogation of any other powers vested in or exerciseable by the Corporation.

(4) Notwithstanding the foregoing provisions of this section the Corporation shall not under the powers of this section—

(*a*) lay out or develop any lands or erect on any lands any houses shops offices warehouses or other buildings in any manner which infringes any then existing legal right of any owner lessee or occupier of adjoining lands; or

(*b*) except with the consent of the Minister sell lease or dispose of any such houses or other buildings except at the best price or on the best terms which can reasonably be obtained but nothing in this subsection shall require a purchaser or lessee from the Corporation to inquire whether the consent of the Minister is necessary or has been obtained.

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

Proceeds of sale of surplus lands.

104.—(1) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall subject to the provisions of the section of this Act of which the marginal note is "Consolidated loans fund" apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to

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such extent and upon such terms as may be approved by the Minister.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

PART VIII.

HACKNEY CARRIAGE AND TRAFFIC PROVISIONS.

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

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

Evidence of regulations made by Corporation.

106. Section 24 of the Municipal Corporations Act 1882 which relates to the proof of byelaws shall extend to regulations made by the Corporation as that section extends to byelaws so made.

Notice of processions to be given.

107.—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the office of the town clerk twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such

procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

As to barriers in streets.

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

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

Extension of section 68 of Public Health Act 1925.

109. In the application to any land forming part of a street in the borough of section 68 of the Public Health Act 1925 the word "byelaws" shall be substituted for the word "regulations."

Power to impose test on motor drivers.

110. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage (which expression shall in this section include an omnibus) unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit Provided that this section shall not apply to any person who is at the date of the passing of this Act licensed by the Corporation to drive a hackney carriage.

Byelaws as to bicycles &c. on certain footpaths.

111. The Corporation may make byelaws prohibiting or restricting the use by persons riding bicycles tricycles or other similar vehicles on any footpaths in the borough specified and defined in such byelaws.

PART IX.

PUBLIC BUILDINGS PARKS &C.

Provision of entertainments and letting of buildings.

112.—(1) The Corporation may—

(*a*) arrange for the provision or carrying on of suitable concerts entertainments exhibitions performances swimming contests regattas and amusements and for the sale of programmes

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and refreshments in any public buildings halls rooms baths or bathing places belonging to them and may make such reasonable charges as they may think fit for admission thereto; and

(*b*) let any such premises as aforesaid for the purposes of concerts entertainments exhibitions performances swimming contests regattas or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit or upon the like terms and conditions they may lease any such premises for any term not exceeding twenty-one years Provided that any letting other than for a period of less than one month under this section of any building for the purpose of an entertainment shall be by tender and the Corporation shall secure the best rent reasonably obtainable:

Provided that the Corporation shall not themselves provide or arrange for the provision or carrying on of stage plays performed by persons other than members (resident in or near the borough) of any amateur dramatic society:

Provided also that no public buildings halls rooms or baths belonging to the Corporation shall be used for cinematograph performances other than the showing of films illustrative of questions relating to health or disease.

(2) The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions performances or amusements provided or carried on in pursuance of the provisions of this section.

(3) The Corporation may provide programmes of any concert entertainment exhibition performance or amusement given in pursuance of this section and may sell such programmes or may authorise any person or persons to provide and sell such programmes.

(4) Any expenses incurred by the Corporation under the provisions of this section may be paid by the Corporation out of the general rate fund Provided always that the net amount of any payments or expenses made or incurred by the Corporation under the provisions of this

section after deducting any moneys received by them under those provisions together with the amount of any payments or expenses made or incurred by the Corporation under the provisions of the section of this Act of which the marginal note is "Power to advertise entertainments and attractions" shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on property in the borough assessable in that year to the general rate.

Power to advertise entertainments and attractions.

113. The Corporation may in any year pay or contribute towards the cost of providing and maintaining at public places in the borough and on public service vehicles plying in the borough or between the borough and other places and in newspapers placards or posters published in the county of Warwick advertisements of the concerts and entertainments provided by them or towards which they may contribute in any public park or pleasure ground in the borough or in any enclosure pavilion or other building in such park or ground or in the swimming baths or in the public offices or other buildings of the Corporation.

As to closing of portions of recreation grounds.

114. Notwithstanding anything contained in the Act of 1901 when any portion of any park garden or pleasure ground is set apart by the Corporation for any purpose under section 56 (Power to set apart portions of pleasure grounds for games) of the Act of 1901 the Corporation may exclude the public therefrom while such portion is in actual use for such purpose and may also close to the public at any time such portions of any park garden or pleasure ground as are specially laid out and maintained for cricket tennis or other games not exceeding one-sixth of the whole area of the park garden or pleasure ground.

Power to appoint officers.

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

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police

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Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

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

116. From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Acts or any Act or Order for the time being in force within the borough relating to any park or place of public resort or recreation ground 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 or Orders.

Part X.

Financial.

Power to borrow.

117.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest the sum requisite for the purpose of paying the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act" and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within five years from the passing of this Act which period shall be the prescribed period for the purposes of this Act or of any enactment incorporated therewith or applied thereby.

(2) (*a*) The Corporation may also with the consent of the Minister borrow such further money as may be necessary for any of the other purposes of this Act (other than in connection with the electricity undertaking) and may with the consent of the Electricity Commissioners borrow such further money as may be necessary for the purposes of the electricity undertaking.

(*b*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or the Electricity Commissioners as the case may be and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

(*c*) In order to secure the repayment of any money borrowed under this subsection and the payment of

interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 144 (Power to use one form of mortgage for all purposes) of the Act of 1923.

Mode of raising money.

118. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of bonds subject to the provisions of this Act or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Mode of payment off of money borrowed.

119. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Sinking fund.

120.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

(*a*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum or such other rate

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as the Minister may from time to time fix will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of section 145 (Power to use sinking fund instead of borrowing) of the Act of 1923 be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation.

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

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(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Minister that any such increase is necessary the Corporation shall increase the payments to such extent as the Minister may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of the Minister discontinue the equal annual payments to such sinking fund until the Minister shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the

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repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Minister may determine.

Incorporation of financial provisions of Acts of 1901 and 1923.

121. The following sections of the Act of 1901 and of the Act of 1923 are incorporated with this Act and shall extend and apply to and for the purposes of this Act as if those sections with the necessary modifications and alterations were set out in this Act (namely):—

The Act of 1901—

Section 141 (Sections of Public Health Act as to mortgages to apply);

Section 147 (Council not to regard trusts);

Section 148 (Protection of lender from inquiry);

Section 150 (Application of borrowed moneys).

The Act of 1923—

Section 149 (Interest on mortgages held jointly).

Receipt in case of persons not sui juris.

122. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian receiver or committee of his estate shall be a sufficient discharge to the Corporation.

Evidence of transfer or transmission of securities.

123. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Closing of registers.

124. The Corporation may (subject to the provisions of the next succeeding section and of paragraph 9 of the Second Schedule to this Act) close any transfer books or the registers of transfers of mortgages or other securities of the Corporation as the case may be on and after any day in the month next before that in which an instalment

of interest on such mortgages or other securities is payable but so that the books be not at any time kept closed for more than one month. A.D. 1933.

Power to borrow by issue of bonds.

125.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called "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 subject to any priority existing at the date of the passing of this Act shall also rank equally with all other securities issued by the Corporation.

(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.

Consolidated loans fund.

126.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order the Corporation may (if they think fit) on and after the thirty-first day of March one thousand nine hundred and thirty-four establish a fund to be called "the consolidated loans fund" to which shall be paid as and when they are received—

(*a*) All moneys borrowed by the Corporation whether by the issue of bonds stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(*b*) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied

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by the Corporation with due authority to another capital purpose; and

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

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

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

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

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

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

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

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingency insurance superannuation or other similar fund (in this section referred to as "the lending fund") and not for the time being required

and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions :—

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

(*b*) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings.

(5) Subject to any priority existing at the passing of this Act all bonds stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(6) Save as in this section expressly provided all the obligations of the Corporation to the holders of bonds stock or other securities of the Corporation shall continue in force.

(7) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

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

Scheme for equated periods.

127.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act in regard to the borrowing and repayment of money with or without modification and may

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make provision in regard to all matters incidental to the objects aforesaid.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) The Corporation may with the sanction of the Minister and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister may sanction.

(6) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Power to invest all reserve funds &c. in statutory securities.

128. When under the provisions of this Act or of any other Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to

form a reserve renewals or repairs fund they may (in addition to any other powers for the time being vested in them) invest such fund and the interest on the investments of such fund in statutory securities.

Return to Minister with respect to repayment of debt.

129.—(1) The town clerk shall if and when he is requested by the Minister so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

(2) The returns shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the town clerk or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the borough requiring an annual return to be made to the

A.D. 1933. Minister with regard to the repayment of debt is hereby repealed.

Renewal and repairs fund.

130.—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called the "renewal and repairs fund" any sum not exceeding seven hundred and fifty pounds.

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

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of horses carts mechanically propelled vehicles stables depots boilers and equipment and apparatus in connection therewith and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

Lands fund.

131. The Corporation may if they think fit establish a fund to be called "the lands fund" which shall form part of the general rate fund to provide for purchasing or acquiring or taking on lease and holding any lands and buildings which in their opinion it is desirable at any time to acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and such fund shall be formed by annually appropriating thereto out of the general rate such an amouut as the Corporation may from time to time determine not exceeding the amount which would be produced by a rate of twopence in the pound calculated in manner provided by rules from time to time made by the Minister under the Rating and Valuation Act 1925 Provided that when the fund aforesaid shall amount to the sum of five thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of five thousand pounds the Corporation may recommence and continue the annual payments until the fund be restored to the sum of five thousand pounds.

Receipts and expenses.

132.—(1) Notwithstanding anything contained in any enactment—

(*a*) all money received by the Corporation whether on capital or revenue account (including all

money received by the Corporation on account of the revenue of any undertaking of the Corporation as from time to time existing from which revenue is derived and interest and other annual proceeds from time to time received by the Corporation on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingency superannuation insurance consolidated loans purchase of lands or other similar fund) shall be carried to and form part of the general rate fund; and A.D. 1933.

(*b*) all payments and expenses made and incurred by the Corporation in respect of any undertaking or in carrying into execution the powers and provisions of this or any other Act and not otherwise provided for (including the appropriate yearly sums and the accumulations thereof required to be set apart for or paid into any sinking fund or loans fund or any reserve renewals repairs depreciation capital contingency superannuation insurance purchase of lands or other similar fund) shall be paid out of the general rate fund or the general rate:

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

Accounts of undertakings.

133.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation as from time to time existing from which revenue is derived (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and

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expenses being divided so as also to show in each case the amounts representing—

(*a*) The working and establishment expenses and cost of maintenance of the undertaking;

(*b*) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

(*c*) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

(*d*) All other expenses (if any) of the undertaking properly chargeable to revenue; and

(*e*) Any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is "Application of revenue of undertakings."

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Application of revenue of undertakings.

134. If in any year the moneys received by the Corporation on account of the revenue of any undertaking of the Corporation as from time to time existing from which revenue is derived exceed the moneys expended by the Corporation in respect of that undertaking in respect of the expenses mentioned in paragraphs (*a*) (*b*) (*c*) and (*d*) of subsection (1) of the section of this Act of which the marginal note is "Accounts of undertakings" the Corporation may in that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess in any of the following ways:—

(*a*) In reduction of capital moneys borrowed for the purposes of the undertaking;

(*b*) Subject in the case of the electricity undertaking to the consent of the Electricity Commissioners and in the case of the water undertaking to the consent of the Minister in the construction renewal extension and improvement of the works and conveniences for the purposes of the undertaking;

(*c*) In providing a reserve fund in respect of each of the undertakings by setting aside such an amount as they may from time to time think reasonable and investing the same in statutory securities until the fund so formed amounts in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expended for the time being upon that undertaking and in the case of other undertakings to the maximum reserve fund from time to time prescribed by the Corporation but not exceeding in the case of the water undertaking a sum equal to one-tenth of the aggregate capital expended for the time being upon that undertaking.

Provisions as to reserve funds &c.

135.—(1) Any reserve or renewals or contingency or depreciation fund which has been formed for the purpose of any undertaking of the Corporation from which revenue is derived and which is in existence at the passing of this Act shall be deemed to be part of a reserve fund formed under paragraph (*c*) of the section of this Act of which the marginal note is "Application of revenue of undertakings."

(2) Any such reserve fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or (except in the case of the electricity undertaking) for payment of the cost of renewing improving or extending any part of the works forming part thereof or (except in the case of the electricity undertaking) otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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(3) Resort may be had to any such reserve fund although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Provisions as to surplus electricity revenue.

136. In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that subsection set out in the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenue of undertakings") shall apply with respect to the electricity undertaking of the Corporation as from time to time existing (namely):—

If in any year the accounts of the electricity undertaking kept under the section of this Act of which the marginal note is "Accounts of undertakings" shall show that the revenue of the said undertaking in respect of that year (including if and so long as any reserve fund established in connection with the said undertaking amounts to a sum equal to one-tenth part of the aggregate capital expended for the time being upon that undertaking the interest and other annual proceeds received by the Corporation in respect of that year on the investments forming part of that reserve fund) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes mentioned in paragraphs (*a*) to (*e*) of subsection (1) of the last-mentioned section then—

(*a*) If the reserve fund in respect of the said undertaking does not amount to more than one-twentieth of the said aggregate capital an amount equal to such excess shall be deemed for the purposes of the section of this Act of which the marginal note is "Accounts of undertakings" to be revenue of the said undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable

be equivalent in the aggregate to the said excess;

(*b*) If the said reserve fund amounts to more than one-twentieth of the said aggregate capital such amount as the Corporation may think fit (not being less in cases where the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the said undertaking than the difference between the said excess and that sum) shall be deemed for the purposes of the section of this Act of which the marginal note is "Accounts of undertakings" to be revenue of the said undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so deemed to be revenue.

Date of operation of certain sections and repeal.

137.—(1) The sections of this Act of which the marginal notes are "Receipts and expenses" "Accounts of undertakings" "Application of revenue of undertakings" and "Provisions as to surplus electricity revenue" shall be deemed to have come into operation on the first day of April one thousand nine hundred and thirty-three.

(2) As from the said date the following enactments are repealed:—

The Rugby Waterworks Act 1863—

Section 40 (Income of Local Board);

Section 42 (Application of revenue).

The Rugby Electric Lighting Order 1899—

Section 52 (Application of revenue);

Section 53 (Application of capital moneys).

The Act of 1901—

Section 152 (Application of water revenues);

Section 153 (As to deficiency in receipts);

Section 154 (Separate accounts to be kept as to water).

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Audit of accounts.

138.—(1) Sections 25 26 and 27 and subsections (3) and (4) of section 233 of the Municipal Corporations Act 1882 and section 246 of the Public Health Act 1875 shall cease to apply and shall be deemed never to have applied to any accounts of the Corporation or of the treasurer or of the officers of the Corporation and all accounts of the Corporation and of the treasurer and the officers of the Corporation under any public or private Act of Parliament or otherwise relating to matters dealt with by the Corporation in any capacity and including the accounts of any joint committee appointed by the Corporation with the council of any county or borough or district or any parish council and of the officers of any such joint committee shall be audited by a district auditor appointed by the Minister in like manner as accounts of an urban authority and their officers are audited under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors including the enactments imposing penalties and providing for the recovery of sums as well as all enactments relating to matters incidental to or consequential upon any such accounts or audit shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of that authority they were herein re-enacted with the necessary modifications and accordingly all burgesses of the borough and all ratepayers and owners of property in the borough shall have the like rights and there shall be the same appeal as in the case of that audit.

(2) Immediately after the commencement of this Act all such accounts as are mentioned in subsection (1) of this section shall be made up for the period commencing on the ninth day of November one thousand nine hundred and thirty-two and ending on the thirty-first day of March one thousand nine hundred and thirty-three and audited in accordance with the provisions of the said subsection.

(3) The Corporation may out of the general rate fund of the borough—

(*a*) pay reasonable subscriptions whether annual or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local

government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of the said associations or any of them and of purchasing the reports of the proceedings of any such conferences or meetings;

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

(*c*) pay the reasonable expenses of the Corporation in connection with the presentation of the freedom of the borough to persons whom the Corporation may resolve to admit as honorary freemen;

(*d*) pay the reasonable expenses in connection with the attendance of the members of the fire brigade of the Corporation at meetings and competitions of fire brigades.

Expenses of execution of Act.

139. All expenses incurred by the Corporation in carrying into execution the provisions of this Act except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for may be paid out of the general rate fund and general rate.

PART XI.

MISCELLANEOUS.

Acceptance of gifts of property.

140.—(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 moneys so raised in the execution of such works in relation to the subject matter of the trust.

(2) This section shall not extend to property relating to affairs of the church within the meaning of the Local

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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 chief accounting officer of the Corporation and shall be made up and audited as part of the general accounts of the Corporation.

Power to erect weigh-bridges.

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

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

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

(4) The Corporation shall not erect or allow the use of any such weighbridge weighing machine or office so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company.

Noise nuisance.

142.—(1) A noise nuisance shall be liable to be dealt with in accordance with the provisions relating to nuisances of the Public Health Act 1875 Provided that no complaint shall be made to a justice under section 105 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (*a*) is injurious or dangerous to health and (*b*) is capable of being prevented or mitigated having due regard to all the circumstances of the case:

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

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

Penalty for street crying on Sunday.

143. Every person who shall on Sundays in any street or public place in 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.

Recovery of rate from persons removing.

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

Power to establish information bureaux.

145. The Corporation may establish and maintain or may subscribe towards the establishment and maintenance of an information bureau or information bureaux in the borough for the purpose of supplying information with regard to the borough and neighbourhood and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof.

Power to grant allowances or gratuities in certain cases.

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

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(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or been paid if he had continued in his office or service.

Service of summons on members of council.

147. Notwithstanding anything contained in the Second Schedule to the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage.

Committees of council.

148. Any committee appointed by the council for the execution of the purposes of any local Act or Order confirmed by or having the force of an Act of Parliament shall if the council so resolve have all the powers with reference to such purposes of a committee appointed under section 200 of the Public Health Act 1875.

Penalty on occupiers refusing execution of Act.

149. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part IV (Streets buildings sewers and drains) Part V (Infectious disease and sanitary provisions) or Part VI (Common lodging-houses) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

General provisions as to byelaws.

150. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act Provided that as respects

byelaws made under the section of this Act of which the marginal note is "Byelaws as to bicycles &c. on certain footpaths" the Secretary of State shall be substituted for the Minister.

As to appeal.

151. 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 Parts IV V and VI of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Application of Arbitration Act 1889.

152. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Judges not disqualified.

153. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act the Act of 1901 the Act of 1923 or any other local Act or Order from time to time in force within the borough by reason of his being liable to any rate.

Application of provisions of Acts of 1901 and 1923.

154. The following sections of the Act of 1901 and the Act of 1923 shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those sections had been re-enacted in this Act (namely):—

The Act of 1901—

Section 163 (Informations may be laid by duly authorised officer);

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Section 164 (Authentication and service of notices);
Section 166 (Recovery of penalties);
Section 167 (Penalties to be paid to treasurer);
Section 168 (Saving as to indictments);
Section 174 (Power to Local Government Board to direct inquiries).

The Act of 1923—

Section 153 (Power to enter premises);
Section 156 (Recovery of demands);
Section 157 (Compensation &c. how to be determined);
Section 162 (Damages and charges to be settled by justices);
Section 165 (Application of section 265 of Public Health Act 1875);
Section 166 (Powers of Act cumulative);
Section 167 (Summons or warrant may contain several sums);
Section 168 (Crown rights):

Provided that—

(1) For the purposes of such extension and application section 174 of the Act of 1901 shall be read and have effect as if the words "five guineas" were inserted therein instead of the words "three guineas";

(2) In the extension and application of section 153 of the Act of 1923 Parts IV V and VI of this Act shall be deemed to be referred to in lieu of the Parts of the Act of 1923 therein mentioned.

Repeal.

155. In addition to the enactments repealed by the section of this Act of which the marginal note is "Date of operation of certain sections and repeal" the following provisions of the Rugby Waterworks Act 1863 the Act of 1901 and the Act of 1923 are hereby repealed:—

The Rugby Waterworks Act 1863—

Section 28 (Water for other than domestic purposes to be supplied by agreement);

Section 31 (Power to Local Board to let for hire meters);

Section 44 (Recovery of sums owing to Local Board).

The Act of 1901—

Section 8 (Power to retain sell &c. lands);

In section 33 (Supply of water for other than domestic purposes and by measure) the words "Provided also "that the price to be charged "shall not exceed one shilling "and sixpence per thousand "gallons";

Section 66 (Power to compensate nurses &c.);

Subsection (2) of section 95 (Height of chimneys);

Section 145 (Annual return to Local Government Board with respect to sinking fund);

Section 151 (Audit of accounts);

Section 169 (Judge not to be disqualified by payment of rates).

The Act of 1923—

Section 44 (Supply to houses partly used for trade);

Section 59 (Power to lay electric lines &c. in private streets);

Section 61 (Further powers as to entry upon premises);

Section 78 (Development scheme may be required in connection with new streets);

Section 112 (Extended meaning of "infectious disease" for certain purposes);

Subsection (3) of section 126 (For regulating manufacture and sale of ice-cream &c.);

Section 135 (Penalty for crying newspapers);

Section 147 (Returns as to sinking funds);

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In section 158 (Application of miscellaneous provisions of Act of 1901) the words "Section 169 (Judge not "to be disqualified by payment "of rates)."

Costs of Act.

156. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Adaptions of the provisions of the Private Street Works Act 1892 for the purpose of their application under the section of this Act whereof the marginal note is "Apportionment and recovery "of expenses of construction of sewer constructed before land "became a street."

The provisions of the Act of 1892 shall apply as if—

(1) The sewer to which the expenses relate were private street works and the expenses were expenses of execution of such private street works;

(2) All references to estimated expenses or an estimat : of expenses were respectively references to actual expenses or a statement of actual expenses;

(3) The provisional apportionment were the only apportionment and all provisions for or with respect to the making of a final apportionment or notice thereof or objections thereto were omitted and the sums apportioned under the provisional apportionment (subject to any order of the court quashing or amending the same) were recoverable in the manner referred to in subsection (1) of section 12;

(4) In the definition of the expression "street" in section 5 the words "and not being a highway repairable by the inhabitants at large" were omitted;

(5) The power contained in subsection (2) of section 6 to approve by resolution and the word "approved" in subsection (3) of that section related only to the provisional apportionment and not to the specification plans sections and estimate;

(6) Subsection (3) of section 6 provided for the publication and service of copies not of such approving resolution as aforesaid but of notice of the preparation of the specifications plans and sections (if any) estimates and approved provisional apportionment and of the place and period of the deposit by that subsection required;

(7) Paragraph (*b*) of section 7 and the word "proposed" in paragraph (*d*) of that section were omitted;

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(8) In paragraph (*f*) of section 7 the words "derived or" were inserted before "to be derived" and the words "by way of construction of a sewer in the street or part of a street to which the apportionment relates" were inserted after "premises";

(9) After paragraph (*f*) of section 7 the following two paragraphs were inserted:—

(*g*) That the works will not increase the value of any premises of the objector;

(*h*) That the sum or proportion to be charged against any premises of the objector under the provisional apportionment is excessive having regard to the degree of benefit derived or to be derived by such premises from the works;

(10) The words "plans sections estimates" in subsection (1) of section 8 were omitted;

(11) In subsection (1) of section 9 the words "to be done" were omitted the word "sewer" were substituted for "street or part of a street as regards sewerage drainage level or other matters" and the word "sewers" were substituted for "streets (whether repairable or not by the inhabitants at large)";

(12) In section 10 the words "to be" were omitted before "incurred" the words "derived or" were inserted before "to be derived" and the words "by way of "construction of a sewer in the street or part of a "street to which the apportionment relates" were inserted after "of any such premises";

(13) The references in sections 13 and 14 to the final apportionment were references to the provisional apportionment;

(14) In subsection (2) of section 21 the words "the construction of sewers" were substituted for "executing private street works";

(15) The following words in Part I of the schedule were omitted:—

(i) under the heading "Specifications" the words "to be" before "done";

(ii) under the heading "Plans and sections" the word "streets" and the words from "subject" to "respectively" inclusive; and

(iii) under the heading "Estimates" the word "probable."

SECOND SCHEDULE.

Provisions with regard to Corporation Bonds.

1. Bonds shall be secured on the 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 and interest shall be payable on bonds on the thirtieth day of September and the thirty-first day of March in any year.

(*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 office of the treasurer to the Corporation 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 treasurer to the Corporation 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 and 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.

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(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.

(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 RUGBY.

RUGBY CORPORATION BONDS.

per centum Rugby Corporation Bond repayable at par
19 at the

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 Rugby under the Rugby Corporation Act 1933 at .

(Signed)

Borough Treasurer.

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 corporation bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

RUGBY 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 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 Rugby 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 payments 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

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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 owner 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 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 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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