CHAPTER clxxxviii.

An Act to make further provision in regard to the tramway gas electricity and markets undertakings of the mayor aldermen and burgesses of the borough of Southport and for the health local government and improvement of the borough and for other purposes. A.D. 1930.

[1st August 1930.]

WHEREAS the borough of Southport in the county of Lancaster (in this Act called "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas the unrepealed provisions of the local Acts specified in Part I of the schedule to this Act and of the Orders specified in Part II of that schedule are in force in the borough:

And whereas it is expedient to confer further powers upon the Corporation with respect to their tramway gas electricity and markets undertakings:

And whereas it is expedient to authorise the making of town planning schemes as respects land in the borough which is wholly or partly developed and to make further provision in regard to the health local government and improvement of the borough:

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

A.D. 1930.

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 and collective titles.

1. This Act may be cited as the Southport Corporation Act 1930 and the local Acts as hereinafter defined and this Act may be cited jointly as the Southport Corporation Acts 1865 to 1930.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Tramways and omnibuses.
Part III.—Gas.
Part IV.—Electricity.
Part V.—Streets buildings and drains.
Part VI.—Town planning.
Part VII.—Infectious disease and sanitary matters.
Part VIII.—Parks recreation grounds and seashore.
Part IX.—Common lodging-houses.
Part X.—Police and hackney carriages.
Part XI.—Markets and fairs.
Part XII.—Sale of coke &c.
Part XIII.—Lands.
Part XIV.—Finance.
Part XV.—Miscellaneous.

A.D. 1930.

Interpretation

3.—(1) In this Act the several words and expressions to which meanings are assigned by the Public Health Acts 1875 to 1925 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—

(i) " The borough " means the county borough of Southport;

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

(iii) " The council " means the council of the borough;

(iv) " The town clerk " " the treasurer " " the surveyor " " the medical officer " " the chief constable " and " the sanitary inspector " mean respectively the town clerk the treasurer the surveyor the medical officer of health the chief constable and any sanitary inspector of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

(v) " The veterinary surgeon of the Corporation " means a veterinary inspector appointed by the Corporation under the Diseases of Animals Act 1894 or under the Milk and Dairies (Consolidation) Act 1915;

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

(vii) " The gas limits " means the limits for the time being of the Corporation for the supply of gas;

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

(ix) " The gas undertaking " means the gas undertaking of the Corporation;

(x) " The electricity undertaking " means the electricity undertaking of the Corporation;

A.D. 1930.

(xi) "The markets undertaking" means the markets undertaking of the Corporation;

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

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

(xiv) "Child" means a person under the age of sixteen years;

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

(xvi) "Hackney carriage" has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus;

(xvii) "Daily penalty" means a penalty for each day on which an offence is continued after conviction thereof;

(xviii) "The Minister" means the Minister of Health except in Part X (Police and hackney carriages) of this Act;

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

(xx) "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 (Definitions) of the Local Loans Act 1875 but does not

include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

(xxi) "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;

(xxii) "Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertakings 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;

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

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

(xxv) "The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Act amending the same;

(xxvi) "The local Acts" means the unrepealed provisions of the local Acts specified in Part I of the schedule to this Act and the Provisional Orders relating to the borough confirmed by the Acts specified in Part II of that schedule and each of those Acts (except the Southport Corporation Act 1900) and Orders where separately referred to in this Act is referred to as the Act or Order of the year in which it was passed or confirmed.

A.D. 1930.

PART II.

TRAMWAYS AND OMNIBUSES.

Through cars and omnibuses.

4. The Corporation may run through cars along any of the routes of the tramways of the Corporation or any specified portion thereof and through omnibuses along any route on which the Corporation are for the time being authorised to run omnibuses and such cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars and omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car or omnibus:

Provided that during the running of such through cars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of cars or omnibuses as the case may be.

Power to reserve cars for special purposes.

5.—(1) Notwithstanding anything contained in this or any other Act or Order to the contrary the Corporation may on any occasion run and reserve cars on any of the tramways of the Corporation and omnibuses on any route on which the Corporation are for the time being authorised to run omnibuses for any special purpose which the Corporation may consider necessary or desirable provided that such special cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as the Corporation may direct and that during the running of such special cars or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of cars or omnibuses as the case may be.

(2) The Corporation may make byelaws and regulations for prohibiting the use of any such cars or omnibuses by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this or any other Act or Order of the Corporation as to fares rates or charges for passengers shall not extend to any special cars run upon the tramways of the Corporation or omnibuses run for such special services as aforesaid and in

respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

Corporation may appoint stopping and starting places.

6. The Corporation may appoint the stations and places from which cars on their tramways and their omnibuses shall start or at which they may stop for the purpose of taking up or setting down passengers and may fix the time during which such cars and omnibuses shall be allowed to remain at any such place.

Cloak-rooms &c.

7. The Corporation may provide cloak-rooms and rooms or sheds for the deposit of articles and the storage of bicycles tricycles and other vehicles at any depot or building used by them in connection with their tramways or omnibuses and at suitable places on the routes of the tramways of the Corporation or of any of their omnibus routes and the Corporation may make charges for the use of such cloak-rooms and sheds and for the deposit of articles and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

Removal of obstructions.

8. If any obstruction to the traffic on any of the tramways of the Corporation is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Corporation may so remove the vehicle or load and may remove any other obstruction to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction.

Power to make additional cross-overs and to double tramway lines.

9.—(1) Notwithstanding anything contained in the local Acts the Corporation with the consent of the Minister of Transport may—

(*a*) make maintain alter and remove such cross-overs passing places sidings junctions and other works with reference to any of their tramways as they find necessary or convenient for the efficient working of those tramways or for forming junctions with other tramways or light railways or for providing access to any warehouses stables or carriage-houses or works of the Corporation or to any lands or premises adjoining or near to the street in which any of their tramways is laid;

A.D. 1930.

(*b*) lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of their tramways either when constructing the tramways or at any time thereafter; and

(*c*) construct or take up and reconstruct any of their tramways in such position in the road in which it is authorised to be constructed as they may think fit.

(2) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between such rail and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid (except with the consent of the Minister of Transport) if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

(3) Section 12 (Alteration of tramways) of the Southport Corporation Tramways Order 1899 is hereby repealed.

Application of previous enactments to omnibuses.

10.—(1) The following provisions of the Act of 1913 shall extend and apply to the omnibuses of the Corporation as if omnibus routes and omnibuses were therein mentioned in addition to tramways and the cars thereon (namely) :—

Section 37 (Shelters or waiting-rooms);
Section 39 (Penalty for malicious damage);
Section 40 (Lost property on tramcars or trolley vehicles);
Section 41 (Attachment of signs indicating stopping places to lamp-posts &c.).

A.D. 1930.

(2) Section 36 (Lopping of trees overhanging trolley vehicle and tramway routes) of the Act of 1913 is hereby repealed:-

Provided that section 40 of the Act of 1913 shall in the event of the passing during the present session of Parliament of any general Act relating to road traffic and containing provisions conferring upon the Minister of Transport power to make regulations with regard to property left in vehicles so far as the omnibuses of the Corporation are vehicles to which such provisions apply cease to have effect on the coming into force of such regulations.

Omnibuses to form part of tramway undertaking.

11. Subject to the provisions of this Act the omnibus undertaking of the Corporation shall be deemed to form part of their tramway undertaking:

Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with omnibuses shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking and in such accounts capital shall be distinguished from revenue.

For protection of railway companies and railway committees.

12. The following provisions for the protection and benefit of railway companies and railway committees shall apply and have effect except so far as may be otherwise agreed in writing between the Corporation and such company or committee:—

(1) Notwithstanding anything contained in this Act no stopping or starting place shall be appointed or cloak-room room or shed provided so as to cause interference with the access to or exit from any station belonging to any railway company or railway committee or any depôt belonging to them and adjacent to their railway nor shall any such cloak-room room or shed be provided on any bridge belonging to such company or committee carrying any street or road over the railways of any railway company or railway committee:

(2) The Corporation shall not attach any sign indicating stopping places to any lamp-post pole standard or other similar erection belonging to a railway company or railway committee.

A.D. 1930.

Accounts to be furnished to Minister of Transport.

13. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking.

As to byelaws &c. under this Part of Act.

14. Any byelaws and regulations made by the Corporation under the provisions contained in this Part of this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

PART III.

GAS.

Power to supply gas fittings &c.

15.—(1) The Corporation may purchase sell or let for hire but not manufacture gas engines gas stoves gas ranges and other gas fittings for lighting motive heating ventilating or cooking and any other purposes and stoves fires and furnaces for consuming coke or smokeless fuel (all of which are in this section called "fittings") and may fix repair maintain or remove any such fittings as have been let by them on hire or sold on hire purchase and may provide all materials and do all work necessary and proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and may make such terms and conditions as may be agreed upon:

Provided that nothing herein shall authorise the Corporation to fix repair or maintain tiles or mantelpieces or stoves fires and furnaces for consuming coke or smokeless fuel designed for cooking purposes or any pipes or apparatus (other than flue outlets) by which the heat from any fittings for the consumption of coke or smokeless fuel is transmitted by water air or other means.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

A.D. 1930.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Corporation on hire shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Corporation Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any fittings are or shall be fixed.

(4) Article I of the Southport Order 1895 and section 59 of the Act of 1900 are repealed.

Amendment of section 28 of Act of 1871.

16. The powers of section 28 (Power to make and supply gas) of the Act of 1871 shall extend to the working up and conversion of residual products arising from the manufacture of gas.

Supply of gas where consumer has separate supply.

17. Notwithstanding anything in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Corporation a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed to pay the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises The sum so to be paid shall be determined in default of agreement by arbitration.

Anti-fluctuators to be used with gas engines.

18.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to

A.D. 1930.

repair renew or replace an anti-fluctuator which is not in proper order and repair the Corporation may cease to supply him with gas.

(3) The Corporation may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Corporation and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order and repair may take off remove test inspect and replace the anti-fluctuator such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means an apparatus for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

Provision of valve where high-pressure air or other gas is used.

19.—(1) Every consumer of gas supplied by the Corporation who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Corporation (in this section referred to as "high-pressure air or other gas") shall if required to do so by the Corporation provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such high-pressure air or other gas into the meter the service pipe or any main through which gas is supplied by the Corporation and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

(2) It shall not be lawful for any consumer at any time after the passing of this Act to commence to use high-pressure air or other gas unless and until he shall have given to the Corporation not less than fourteen days' previous notice in writing of his intention to do so.

(3) Every consumer who at the date of the receipt by him of any such demand note as is referred to in paragraph (*a*) of subsection (5) of this section is using high-pressure air or other gas shall within one month after that date give to the Corporation notice in writing of

such use and if within one month after the giving of such notice the Corporation require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air or other gas unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement or obligation under this section the Corporation may after due notice cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Corporation shall give notice of the effect of the foregoing provisions of this section—

(*a*) (in the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Corporation) on the demand notes for gas charges payable to the Corporation issued next after that date; and

(*b*) (in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Corporation) before they put the provisions of this section into operation.

(6) The Corporation shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air or other gas is used or the Corporation have reason to believe that high-pressure air or other gas is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such valve or appliance is provided and fixed where necessary.

(7) The Corporation shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

Relief from obligation to supply.

20.—(1) Unless at the date of the demand for any such new or increased supply of gas as is hereinafter

A.D. 1930. referred to the capacity of the distribution works of the Corporation is insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the gas limits for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Corporation notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

(*a*) a new supply of gas for the premises of any person demanding such supply at any time after the passing of this Act; or

(*b*) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation.

(2) Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Corporation—

(*a*) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or

(*b*) to make such payment or payments to the Corporation (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Corporation may reasonably require;

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Corporation may reasonably demand.

A.D. 1930.

(3) If any question shall arise under the provisions of this section between the Corporation and the applicant as to the sufficiency of the distribution works of the Corporation or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Corporation or as to the nature or amount of the security demanded by the Corporation such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Corporation and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding.

In determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say):—

(*a*) The total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant;

(*b*) The capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distributing works as aforesaid in connection with the giving of such new or increased supply; and

(*c*) How far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply.

As to mode of cutting off supplies.

21.—(1) In any case in which the Corporation are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Corporation without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Corporation) and any person who shall re-connect such service pipe with the meter without

A.D. 1930.

the consent of the Corporation shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847:

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Corporation subject to the provisions of section 22 of the Gasworks Clauses Act 1871 shall have and may exercise the like powers of entry as are exerciseable under that section.

Expenses of cutting off and re-connecting discontinued supply.

22. In any case in which in consequence of any default on the part of the occupier of any premises the Corporation have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Corporation the expenses of cutting off and re-connecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

Further powers of entry.

23.—(1) The power to enter premises in order to inspect meters fittings and works for the supply of gas and for the purpose of ascertaining the quantity of gas consumed or supplied conferred upon the Corporation by section 21 of the Gasworks Clauses Act 1871 shall extend to premises in which there is any service pipe connected with the gas mains of the Corporation except where the occupier of the premises shall have applied in writing to the Corporation for the disconnection of the service pipe from the mains of the Corporation.

(2) The power to enter premises and remove pipes meters and fittings or apparatus conferred upon the Corporation by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the Corporation or to hire all or any of the pipes meters fittings or apparatus belonging to the Corporation.

(3) Where any premises which the Corporation are entitled to enter in pursuance of the said sections 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 the Corporation and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage and repairing all damage caused by such entry and on quitting the premises shall leave the same secure Provided that no notice under this subsection shall be necessary in cases of emergency.

(4) 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 sections of the Gasworks Clauses Act 1871 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.

Period of error in defective meter.

24.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by regulations made by the Board of Trade under the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said regulations 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 shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Power to compel repairs in case of danger.

25.—(1) If the Corporation shall at any time serve notice upon any consumer to the effect that an officer or servant of the Corporation has reported after inspection of any piping or gas consuming appliance or fitting on such consumer's premises that he is of opinion that any such piping or gas consuming appliance or fitting is in such a condition as to be dangerous to the occupiers of the premises such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger If the consumer shall fail forthwith to carry out such

A.D. 1930.

works as aforesaid the Corporation may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Corporation shall think fit. Any expenses incurred by the Corporation in cutting off the gas from such premises may be recovered by the Corporation from such consumer.

(2) For the purposes of this section the Corporation shall have and may exercise the like powers of entry as are exerciseable under section 21 of the Gasworks Clauses Act 1871 as extended by this Act.

(3) The Corporation shall not under the powers of this Act stop the gas from entering any premises of a railway company or railway committee (not being a dwelling-house) until after they have given to the company or committee a reasonable notice of their intention to do so.

Power to lay pipes for ancillary gas purposes.

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

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

Service of gas demand notes.

27. 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 gas undertaking.

Charges for special readings of gas meters.

28. The Corporation may levy and recover such charges as they think fit for taking the reading of any gas 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: A.D. 1930.

Provided that such charges shall not exceed the sum of one shilling for each reading.

PART IV.

ELECTRICITY.

Power to construct electrical sub-stations under streets.

29. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and the Southport Electric Lighting Order 1891 the Corporation may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient:

Provided 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:

Provided also that the Corporation shall not construct any such sub-station transforming station or work—

(*a*) in or upon any bridge carrying a street over a railway or under any bridge carrying a railway over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the railway company concerned but such consent shall not be unreasonably withheld;

A.D. 1930.

(*b*) so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company; or

(*c*) in any county road outside the borough without the consent of the County Council of the administrative county of the county palatine of Lancaster but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

Power to lay electric mains in private streets.

30. The Corporation may upon the application of the owner or occupier of any premises within the electricity limits abutting on or being erected in any street laid out or made and whether dedicated to the public use or not lay down place take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing a supply of electricity to such premises and the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the schedule to the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof and to any works constructed or executed by the Corporation under the provisions of this section:

Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt 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.

Further powers as to entry upon premises.

31.—(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

A.D. 1930.

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 Corporation shall not under the powers of this section cut off or discontinue the supply of electricity to any premises of a railway company or railway committee (not being a dwelling-house) until after they have given to the company or committee reasonable notice of their intention to do so.

As to maximum power which may be demanded.

32.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the

A.D. 1930. passing of this Act of any right to which he would be entitled but for the said provisions.

Use for lighting purposes of electricity supplied for power.

33.—(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 (Power to refuse to supply electrical energy in certain cases) 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.

As to use of transformers.

34. 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.

Period of error in defective meters.

35.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity 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 paid 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 shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Notice to discontinue supply of electricity.

36.—(1) 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 offices of the electricity undertaking.

(2) Notice of the effect of this section shall be endorsed upon every demand note for charges for electricity.

Charges for special readings of electricity meters.

37. 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 one shilling for each reading.

Provisions as to supply of electricity by agreement.

38.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement—

(*a*) the Corporation may if they think fit discontinue to supply electricity to such consumer;

(*b*) the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply or not) be liable to pay to the Corporation at any higher rate which they may for the time being be charging for the supply of electricity

A.D. 1930.

for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and

(*c*) the Corporation in any case in which they discontinue the supply as aforesaid shall not be required to resume the supply until—

(i) they are satisfied that any electricity supplied to such consumer will be consumed in accordance with the terms of such agreement; and

(ii) the consumer has paid to the Corporation the sum payable by him pursuant to the foregoing paragraph (*b*):

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 23 (Penalty for failure to supply) of the Southport Electric Lighting Order 1891 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation:

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

Service of electricity demand notes.

39. 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.

A.D. 1930.

Receipts and expenses.

40.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

PART V.

STREETS BUILDINGS AND DRAINS.

Development scheme may be required in connection with new streets.

41.—(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 or of any statutory provision for the time being in force in the borough with respect to the width of new streets the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of the lands belonging to the same owner in the neighbourhood of the new street and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) If after the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the 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 and particulars as

A.D. 1930. 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 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 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 of the intimation to him by the Corporation of such refusal appeal to a court of summary jurisdiction provided that he give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and such court may 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 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.

Adjustment of boundaries of streets.

42.—(1) The Corporation may enter into and carry into effect agreements with any owner of land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street or any other street in exchange for any part of any street which shall front other land belonging to such owner and shall be behind the general line of such street or which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished For the purposes of this section the Corporation shall be deemed to be the owners of the land forming

the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Notwithstanding any agreement entered into under this section—

(*a*) the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act;

(*b*) the Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines and other apparatus belonging to or used by them which remain in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement the Central Electricity Board deem it necessary to alter the position of any such electric lines or other apparatus they shall be at liberty so to do and the expenses incurred by them in so doing shall be paid to them by the Corporation;

(*c*) the Birkdale District Electric Supply Company Limited shall continue to have the same powers and rights in respect of any mains pipes wires or other works belonging to or used by them which remain in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such mains pipes wires or other apparatus the enactments

A.D. 1930.

contained in section 15 of the Electric Lighting Act 1882 shall apply to any such alteration as though the Corporation or the owner of the land as the case may be were any local authority or other public authority company or person within the meaning of that section.

Adjustment of boundaries of estates.

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

A.D. 1930.

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

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

Further powers as to future line of street.

44.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 (Power to prescribe improvement line for widening streets) of the Public Health Act 1925 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:

Provided that this section shall not apply in respect of any improvement line prescribed by the Corporation before the thirtieth day of November nineteen hundred and twenty-nine.

(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.

A.D. 1930.

(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.

(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 Acquisition of Land (Assessment of Compensation) Act 1919 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 and the court in addition to or instead of imposing a penalty may order the requirement to be carried out and the Corporation may thereupon enter upon the land building or erection affected and carry out the requirement.

Signs &c. in streets and forecourts.

45.—(1) If—

(*a*) any banner streamer or sign shall be suspended over or across any street; or

(*b*) any balloon parachute flag banner streamer or sign shall be erected or fixed in over or above any forecourt or front garden

for the purposes of advertisement or announcement without the consent of the Corporation the owner or person responsible for suspending erecting or fixing any such banner streamer sign balloon parachute or flag as the case may be (each of which is in this section hereinafter referred to as an " advertisement ") shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding twenty shillings and the court in addition to or instead of imposing a penalty may by order

authorise the Corporation to enter upon the land or premises upon or over which the advertisement is suspended erected or fixed and to remove such advertisement Any expenses incurred by the Corporation in so doing may be recovered by them summarily as a civil debt from such owner or person:

Provided that this subsection shall not apply to any sign attached to a front main wall of a building unless it extends for more than two feet over any street forecourt or front garden or unless it extends for more than six inches over any street forecourt or front garden and is more than one foot 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 advertisement would be objectionable by reason of its size design colour construction or situation or would be a danger or 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) For a period of three years from the passing of this Act the foregoing provisions of this section shall not apply to any such advertisement as is referred to in subsection (1) hereof which was in use on the twentieth day of November nineteen hundred and twenty-nine.

(4) (*a*) Any person aggrieved by the withholding by the Corporation of any consent under the provisions of this section or by the conditions attached to such consent 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.

(5) The provisions of this section shall not apply to any advertisement which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway yard or station approach belonging to a railway company and which is

A.D. 1930. also so placed that it will not fall into any street or public place.

As to pavement lights.

46.—(1) It shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street 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 but such consent shall not be unreasonably withheld.

(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.

(4) Any person who shall contravene the provisions of this section or the terms or conditions attached to any consent given thereunder shall be liable to a penalty not exceeding five pounds and any person who knowingly retains pavement lights constructed in contravention of the provisions of this section shall be liable to a daily penalty not exceeding forty shillings.

Power to provide tubs for trees &c.

47. The Corporation may provide and maintain in any street 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 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.

Fire plugs.

48. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds and the Corporation may recover the expenses of replacement and making good from such person.

49. The Corporation may—

Telephone call boxes signalling apparatus and fire alarms.

(*a*) erect or fit telephone call boxes and traffic signalling apparatus in such positions in any street within the borough as they think fit; and

(*b*) with the consent of the road authority and with the consent and at the cost of the local authority (which cost the local authority are hereby authorised to incur) erect or fix street fire alarms in such positions as may be agreed in any street in the district of any local authority with whom the Corporation have entered into an agreement for the use of their fire brigade:

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

Direction signs.

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

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

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

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

A.D. 1930.

(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 any general Act passed during the present session of Parliament relating to road traffic.

Restriction on illuminated advertisements.

51.—(1) For the purpose of preserving the amenities of the borough or any part thereof it shall not be lawful to erect or place illuminated advertisements which flash or are at intervals extinguished and lit or re-lit on any building or structure which is situate in or abutting on or adjoining any street without the consent of the Corporation and such consent may be given subject to such terms and conditions as the Corporation may determine.

(2) Any person acting in contravention of this section or of 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 twenty shillings.

(3) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction within fourteen days after service upon him of notice of such refusal 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.

Height of obstructions to view at street corners.

52.—(1) For the purpose of facilitating traffic by removing obstructions to view within a distance of fifteen 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.

(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 seven 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 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.

A.D. 1930.

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

(7) Nothing in this section shall apply to any fence hoarding boundary wall bank hedge tree shrub or similar obstruction (in this subsection referred to as an "obstruction") existing at the date of the passing of this Act and forming part of and used in connection with the undertaking of the Southport Pier Company Limited at the corner of the Promenade and the Marine Drive or any obstruction erected in the place of and of not greater dimensions than such existing obstruction.

As to erection of retaining walls.

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

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding twenty shillings.

Restriction on erection of temporary stands &c.

54.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and

shall comply with such regulations as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon. A.D. 1930.

(2) Any person acting in contravention of this section or offending against any such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any person who is a roundabout proprietor or travelling showman travelling with a travelling show.

No buildings to be erected until street formed.

55.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected or built abutting on such new street or part of a new street if required by the Corporation so to do construct the carriageway of such new street or such part of the new street as may be required by the Corporation with a foundation of suitable materials and of sufficient depth to be capable of carrying the traffic which will make use of the same and shall also if required sewer such street or such part of such street:

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

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 or under the local Acts for the time being in force within the borough.

(3) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

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

56.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) 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

A.D. 1930.

think necessary for the deposit by a person intending to construct—

(*a*) a building; or

(*b*) an addition to an existing building (including the reconstruction of an existing part of any such building); or

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

of drawings of the elevations and particulars as to the materials of such building or addition or chimney (in this section called collectively " elevations ").

(2) Where elevations 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 four weeks after the submission to them of the elevations—

(*a*) approve the elevations; or

(*b*) if they shall consider that having regard to the general character of the buildings in the vicinity or of the buildings proposed therein to be erected or of the building upon or to which the addition is to be constructed or reconstructed the building or addition or chimney to which the elevations relate would be a disfigurement whether by reason of the height of the building or addition or chimney or its design or the materials proposed to be used in its construction disapprove the elevations subject to a reference to an advisory committee constituted as hereinafter provided if so desired by the owner or the person by whom the elevations were deposited (hereinafter referred to as " the depositor ").

(3) The Corporation shall forthwith send notice in writing to the depositor of their approval or disapproval of the elevations deposited by him and if the building or addition or chimney is considered to be objectionable on any of the grounds mentioned in this section the notice shall be accompanied by a statement of the objections to the building or addition or chimney.

(4) The depositor may within fourteen days of his receiving notice of the disapproval of the elevations by

notice in writing to the Corporation require the elevations to be referred to an advisory committee constituted as hereinafter provided and in that case he shall within the same period send to the town clerk a statement of his answers to the objections of the Corporation.

(5) The advisory committee shall consist of three persons one appointed by the Corporation one by the depositor and the third by the first two or in case of failure to agree by the President of the Royal Institute of British Architects The third shall be a qualified architect practising in the county of Lancaster A member of the council shall not be appointed a member of an advisory committee.

(6) The Corporation shall pay the reasonable fees and expenses of the third member of the advisory committee.

(7) (*a*) The advisory committee shall within three weeks after the receipt of the reference decide whether having regard to the considerations mentioned in subsection (2) (*b*) of this section they approve or disapprove the elevations and their decision shall be final and conclusive.

(*b*) If the elevations are disapproved the decision of the advisory committee shall contain a statement of the grounds on which the proposed building or addition or chimney is considered to be objectionable.

(*c*) In arriving at their decision the advisory committee may adopt such procedure as they think fit.

(8) The decision of the advisory committee shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the Corporation and to the depositor.

(9) Any question to be decided by the advisory committee shall be decided by a majority of votes of the members of the committee.

(10) Where the elevations of a building or addition or chimney have been disapproved under this section it shall not be lawful to erect the building or addition or chimney until the elevations thereof have been approved by the Corporation.

(11) Nothing in this section shall empower the Corporation to specify the names of manufacturers or

A.D. 1930.

makers of any materials to be used in the construction of any building addition or chimney referred to in subsection (1) of this section.

(12) The provisions of paragraph (*b*) of subsection (1) of this section in its application to buildings existing at the passing of this Act shall not apply to a wooden hoarding which is used solely for the purposes of poster advertising.

Height of chimneys.

57.—(1) Every chimney erected after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably require having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Corporation may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement.

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

As to dangerous buildings.

58.—(1) In the case of any building which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation may order a complete external and internal inspection examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk at any hour of the day between nine in the morning and six in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or

alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures.

Byelaws as to alterations of buildings.

59. 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 of such plans and sections as can be required in relation to the erection of a new building.

Extension of section 157 of Public Health Act 1875.

60. Section 157 (Power to make byelaws respecting new buildings &c.) 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 the following matters:—

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

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

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

(4) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;

(5) the testing of drains of new buildings;

(6) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost;

(7) the prohibition or the restriction of the erection of buildings upon land liable to be waterlogged or flooded;

A.D. 1930.

(8) (*a*) the requirement of notice of the erection or formation of bath rooms or the fixing of geysers or other hot water apparatus in connection with any premises whether or not such premises are in existence at the passing of this Act; and

(*b*) the securing that proper ventilation shall be provided and maintained for such apparatus and for any such apparatus fixed before the passing of this Act or the making thereunder of any byelaw relating to such matters.

Means of escape from buildings in case of fire.

61.—(1) Every building to which this section applies and which is erected after the passing of this Act shall be provided with such portable fire fighting and portable first-aid appliances as the Corporation may require and shall also be provided on each of the storeys the upper surface of the floor whereof is more than twenty feet above the level of the ground immediately in front of the face of such building with such means of escape in case of fire for the persons dwelling sleeping or employed in or resorting to such upper storey as may reasonably be required by the Corporation in the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) If in the opinion of the Corporation a building to which this section applies (other than a building erected after the passing of this Act) is not provided with proper and sufficient fire fighting and first-aid appliances and is not provided on each of the storeys the upper surface of the floor whereof is more than twenty feet above the level of the ground immediately in front of the face of such building with proper and sufficient means of escape in case of fire for the persons dwelling sleeping or employed in or resorting to such upper storey the Corporation may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such portable appliances and means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any building to which this

section applies shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in the means of escape as may reasonably be necessary and shall if so required by the Corporation provide further or other means of escape.

(4) (*a*) Any person aggrieved by any requirement of the Corporation under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within fourteen days after the receipt of the requirement.

(*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 requirement of the Corporation under either of the said subsections.

(5) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirement of the Corporation under this section.

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court and thereupon the court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

(7) The appliances and means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

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

A.D. 1930.

(9) This section applies to every building which exceeds thirty-five feet in height and in which the upper surface of the floor of any upper storey is more than twenty feet above the level of the ground immediately in front of the face of such building and which is used or intended to be used as a tavern hotel hydropathic establishment hospital common lodging-house or school but shall not apply to any premises to which section 14 or section 15 of the Factory and Workshop Act 1901 applies.

(10) Section 57 (Means of escape from buildings in case of fire) of the Act of 1913 is hereby repealed and this section shall apply to every building to which that section applied and which has been erected since the passing of that Act as if it were erected after the passing of this Act:

Provided that any certificate issued by the Corporation under the said section 57 shall be deemed to have been issued by the Corporation under this section.

Food storage accommodation.

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

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

Provided that under this subsection an owner shall not be required to make a structural alteration of or addition to an existing dwelling-house.

(*b*) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within fourteen days after the service of such notice provided he give written notice of

such appeal and of the ground 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.

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

(*d*) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to a court of summary jurisdiction and thereupon the court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

Provisions as to tents vans &c.

63.—(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 left 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.

64.—(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 and sufficient supply of water and sanitary accommodation to the satisfaction of the Corporation.

A.D. 1930.

(2) Any person aggrieved by the withholding by the Corporation of any approval or 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 provided that he give written notice of such appeal and of the ground thereof to the town clerk before lodging his appeal and such court may make such order in the premises and on such terms and conditions as to the court may seem just 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 as a means of habitation for a period of at least three months; or

(*b*) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder travelling with a travelling show not being a pedlar or hawker.

(4) Any person 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.

Provisions as to forecourts.

65.—(1) If the Corporation shall by resolution determine that any stall structure or other erection in a front garden or forecourt 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. A.D. 1930.

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

Power to require provision of ashbins.

66.—(1) The Corporation may by notice in writing require the owner or occupier of any premises within the time specified in the notice not being less than twenty-eight days—

(*a*) to provide portable receptacles for refuse of such number size and material as may be prescribed by the notice in substitution for any ashpit or other fixed or moveable receptacle for refuse which is in use at the date of the notice; and

(*b*) to remove or to fill in to the satisfaction of the Corporation any fixed ashpit for which a portable receptacle will be substituted.

(2) Where by a notice under subsection (1) of this section the Corporation require a portable receptacle for refuse to be provided in substitution for an ashpit or other receptacle for refuse which is in use at the date of the notice the Corporation shall contribute towards the reasonable cost approved by them of the receptacle such sum (not being less than one-half of the cost thereof) as they may consider just and proper according to the circumstances and the remainder of the cost shall be borne by the person to whom the notice was addressed and the Corporation may if they think fit bear the whole of the cost of providing the substituted receptacle and shall subject as hereinafter provided pay the whole of the cost of providing the receptacle and of removing or filling in the fixed ashpit where the existing receptacle is reasonably serviceable:

Provided that if the medical officer or the sanitary inspector shall have certified that the existing receptacle for refuse is a nuisance or injurious to health or that an existing portable receptacle is worn out and unfit for use

A.D. 1930.

the whole of the cost of the substituted receptacle shall be borne by the person to whom the notice was addressed.

(3) If any notice under subsection (1) of this section is not complied with or is not fully complied with the Corporation may after the expiration of the time specified in such notice provide the required receptacles and do any work thereby required to be done which has not been done by the owner or occupier and may recover from the owner or (if there be more than one owner) from the owners in such proportions as shall be determined by the Corporation the expenses incurred by them in so doing less any part of the said expenses which is to be borne by the Corporation under subsection (2) of this section.

(4) (*a*) Every owner or occupier by or for whom a receptacle for refuse has been provided whether in pursuance of a notice under this section or not shall maintain the receptacle in good order and condition and when necessary renew it.

(*b*) Any person who fails to comply with this subsection shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(5) Section 74 (Regulation dustbins) of the Act of 1913 is hereby repealed.

Restrictions as to use of ashbins &c.

67.—(1) No ashbin or other refuse container provided for the deposit of refuse for removal by or on behalf of the Corporation shall be used for any purpose other than the deposit of dust cold ashes or house refuse (not being of a liquid or partly liquid character).

(2) Any person contravening the provisions of this section shall be liable to a penalty not exceeding ten shillings.

As to defective drains &c.

68.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain including a single private 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.

(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.

As to repair of drains.

69. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine:

Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if the Corporation think fit.

Powers on inspection.

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

Sanitary conveniences for workmen engaged on buildings.

71.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction such water or other closets and urinals

A.D. 1930.

in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

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

For further protection of railway companies and railway committees.

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

Signs &c. in streets and forecourts;
As to pavement lights;
Fire plugs;
Direction signs;
Restriction on illuminated advertisements;
Height of obstructions to view at street corners;
Restriction on erection of temporary stands &c.;
Means of escape from buildings in case of fire;
Provisions as to tents vans &c.;
Prohibition of tents vans &c.;
Provisions as to forecourts;
Restrictions as to use of ashbins &c.;
Powers on inspection;

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 or railway committee in the exercise of their statutory powers relating to their railway or to any lands held or acquired or which may hereafter be held or acquired by any such company or committee with the authority of Parliament so long as such building railway work or land is used or held by the said railway company or railway committee primarily for railway purposes.

PART VI.

TOWN PLANNING.

Power to make town planning schemes

73. The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the borough notwithstanding that the land in that area or any part

thereof is developed at the time of the making of such scheme and the provisions of the Town Planning Act 1925 (in this Part of this Act referred to as " the Act of 1925 ") shall subject to the provisions of this Part of this Act apply to the making of any such scheme and to any such scheme when made. A.D. 1930. — with reference to developed lands.

74. For the prevention of doubt be it enacted that paragraph (*d*) of subsection (2) of section 5 of the Act of 1925 (which relates to the suspension of statutory enactments) shall not apply to the provisions contained in this Part of this Act. Explanation of section 5 of Act of 1925.

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

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

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

76.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made under section 8 of the Act of 1925 authorising the Corporation to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory of which the Corporation have served upon him notice to treat in respect of a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the arbitrator to whom any question of disputed compensation is As to properties of which parts only are required for town planning schemes.

A.D. 1930. referred under any such order (in this section referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the said specified portion of the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Corporation have compulsory powers of purchase) can be so severed.

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

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

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

(5) If the arbitrator determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment

thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

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

Restriction on rights of purchase in certain cases.

77.—(1) The provisions of paragraph 2 of Part II of the Third Schedule to the Act of 1925 shall not apply in relation to any scheme made pursuant to this Part of this Act except in so far as they relate to any land which has been acquired by any company for the purposes of a railway dock or canal but the Corporation shall not be entitled to purchase compulsorily any land which is the property of any local authority or has been acquired by any company body or person for the purposes of a water or other public undertaking without the consent of such local authority company body or person but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister.

(2) The Corporation shall not under this Part of this Act be entitled to purchase compulsorily any land which at the date of the order authorising the compulsory acquisition of the land forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house without the consent of the owner of such land but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be referred to and determined by the arbitrator to whom any question of disputed compensation would be referred under the said order.

Limitation on requirements under scheme.

78.—(1) No provisions in any town planning scheme made pursuant to this Part of this Act which prescribe the space about buildings or limit the number of buildings to be erected or prescribe the height or

A.D. 1930.

character of buildings within the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as—

(*a*) to require the demolition removal or alteration of any building existing at the date of the notice convening the meeting of the council at which the draft scheme is proposed to be adopted or of which the erection was commenced before that date; or

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

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

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

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

(4) Upon the submission of the order (with or without modification) to the Minister the Corporation shall serve on the said owner or owners a copy of the

order as so submitted together with a notice that objections may be made to the Minister within a period of one month from the date of service of the copy of the order and notice.

Registration of ownership and service of notices.

79.—(1) The Corporation shall give notice of the passing of a resolution by them adopting a draft scheme under this Part of this Act or under the Act of 1925 to every person named in so much of the valuation list as relates to the lands included in the scheme as the owner or occupier of such lands and notwithstanding anything contained in any regulations made by the Minister under the Act of 1925 or any Act repealed thereby it shall not be incumbent on the Corporation to serve a copy of any notices required by the said regulations on any other person except on any person who shall have registered his name and address as hereinafter mentioned and except that in the case of a railway company a copy of such notices shall be sent to the secretary at the principal office of such company.

(2) Any person being or claiming to be an owner of land within any area to which a town planning scheme proposed to be made under this Part of this Act or by the Corporation under the Act of 1925 relates may register his name and address with the Corporation and any person who has so registered his name and address in relation to any land within any such area shall be entitled to be served at his last registered address with a copy of the notice required by subsection (1) of this section.

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

(4) The production of the newspaper containing the notice required to be advertised in pursuance of this section and of copies of the notices required to be served in pursuance of subsections (1) and (2) of this section together with a certificate of the town clerk that the notices have been served in accordance with this section shall be sufficient evidence that the provisions of this section have been complied with.

Definition of "owner" for certain purposes.

80. For the purposes of the sections of this Act of which the marginal notes are respectively "Limitation on requirements under scheme" and "Registration of

A.D. 1930. ownership and service of notices " the word " owner " has the same meaning as in the Lands Clauses Acts.

Modifications of section 10 of Act of 1925.

81.—(1) For the purposes of subsection (2) of section 10 of the Act of 1925 the date of the notice convening the meeting of the Council at which a draft town planning scheme under this Part of this Act is proposed to be adopted shall be substituted for the several dates referred to in that subsection.

(2) Where a scheme made pursuant to this Part of this Act contains a provision whereby restrictions are placed upon the erection of buildings or the making of erections nearer to a street than a line prescribed by the scheme compensation shall not be payable in respect of property alleged to be injuriously affected by reason of such provision unless and until a building is erected or an erection is made in conformity therewith or unless the owner can show that the effect of such provision is to make it impracticable for him to erect a building in conformity therewith.

Compulsory purchase and injurious affection of lands.

82. If the owner of any property which is acquired compulsorily for the purposes of or in connection with or is injuriously affected by a town planning scheme made under this Part of this Act is entitled to claim compensation in respect of such acquisition or injurious affection any mortgagee lessee under-lessee or occupier of such property shall be entitled to claim compensation in respect of such acquisition or in respect of any injurious affection to his interest in the property or in any trade or business carried on by him thereon under the provisions relating to the compulsory acquisition of land contained in the Act of 1925.

PART VII.

INFECTIOUS DISEASE AND SANITARY MATTERS.

Definition for purposes of this Part of Act.

83. For the purposes of the sections of this Act of which the marginal notes are " Parents to notify infectious disease " " Power to close Sunday schools and exclude children from entertainments " and " Restriction on attendance of children at Sunday schools and places of assembly " respectively the expression " infectious disease " includes measles German measles whooping cough chicken pox scabies

ringworm and influenza in addition to the diseases referred to in the section of this Act of which the marginal note is " Interpretation."

Parents to notify infectious disease.

84.—(1) Any person being a parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

In any proceeding under this section a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) For the purpose of this section the expression " school " shall include a Sunday school.

Power to close Sunday schools and exclude children from entertainments.

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

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

(3) Section 80 of the Act of 1913 is hereby repealed.

Restriction on attendance of children at Sunday

86.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof within the borough which for the time being

A.D. 1930.

schools and places of assembly.

is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly within the borough without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

(3) Section 79 of the Act of 1913 is hereby repealed.

Information to be furnished in case of infectious disease.

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

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889 and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

Names of laundrymen to be furnished.

88.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infec-

tious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

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

Disinfection in case of tuberculosis.

89.—(1) (*a*) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any boat vessel 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 the officers 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 the officers and at the cost of the Corporation under the superintendence of the medical officer.

(*c*) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing

A.D. 1930.

under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten in the forenoon and six in the afternoon.

(*d*) Every person who shall wilfully obstruct any duly authorised officer of 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.

Prohibition on infected person carrying on business.

90. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household in such a manner as to be likely to spread the infectious disease he shall be liable to a penalty not exceeding forty shillings.

Corporation may supply antidotes against infectious disease.

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

A.D. 1930.

Removal of infirm and diseased persons in certain cases.

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

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

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

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section.

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

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as

A.D. 1930.

the Corporation think fit or as may be directed by the court as the case may be.

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

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

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

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised.

Registration of ice-cream manufacturers and premises.

93.—(1) (*a*) No person shall carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough unless he be registered by the Corporation.

(*b*) No premises shall be used for the manufacture for sale or sale of ice-cream or other similar commodity unless such premises are registered by the Corporation.

(*c*) Any person who offends against 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 Corporation may refuse to register any such person or premises or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) revoke the registration of such person or premises and as regards the

former on the ground that the public health is or is likely to be endangered by any act or default of such 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 and as regards the latter upon the ground that the premises are not suitable to be used for the purposes aforesaid:

Provided that before refusing or revoking such registration the Corporation shall serve upon the applicant for registration or the person in whose name such premises are registered 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 or revoke the registration of the person or premises.

(*b*) If the Corporation should refuse to register or should revoke the registration of any such person or premises they shall deliver to the person applying for such registration or in whose name the premises are registered a statement in writing of the ground or grounds upon which such refusal or revocation is based Notice of the right to appeal next hereinafter mentioned shall be endorsed on every such notice.

(*c*) Any person aggrieved by any such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of a refusal to register or of the notice of a refusal to retain.

(*d*) 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 costs of any such appeal 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 by order confirm the refusal or direct the Corporation to register the person or premises or to retain them upon the register and the Corporation shall comply with any such direction.

(3) The provisions of this section shall have no application to any premises occupied as a factory or

A.D. 1930.

workshop respecting which notice is required by subsection (1) of section 127 of the Factory and Workshop Act 1901 to be given and shall not in any way affect the operation of that Act.

(4) The provisions of this section shall not apply to any premises used as a club hotel or restaurant or railway refreshment rooms.

(5) The provisions of this section shall come into force on the first day of January nineteen hundred and thirty-one and the Corporation shall cause public notice to be given of the provisions of this section by advertisement published once in each of three successive weeks in at least two newspapers published or circulating in the borough in the months of August and September or one of them immediately preceding the date when such provisions shall become operative.

For regulating manufacture and sale of ice-cream &c.

94.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the borough omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable for every such offence to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed :

Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) Every vendor of or dealer in ice-cream or other similar commodity 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 stand shall have his name and address legibly and conspicuously painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Byelaws as to transport of food.

95.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of any article intended to be sold for food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport by a railway company by railway of any article intended for food the Corporation shall give notice to the company of the Corporation's intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the company shall be entitled to make representations to the Minister with regard thereto.

Penalty on original vendor of unsound food.

96.—(1) Where it is shown that any animal or article liable to be seized under section 116 (Power of medical officer of health to inspect meat &c.) 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

A.D. 1930.

food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that 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 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 a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Further powers in relation to unsound food.

97. 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 food and the provisions of such sections shall apply accordingly: A.D. 1930.

Provided that in the exercise at any railway station or upon any railway premises of a railway company of the powers conferred upon him by this section such medical officer or sanitary inspector shall conform to such reasonable requirements of the railway company owning or using such station or premises as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to the said company the powers conferred upon the medical officer or sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection of goods by the said company.

Byelaws as to inspection of meat.

98.—(1) If and when the Corporation shall have put into force a system of marking meat under the powers of Part III of the Public Health (Meat) Regulations 1924 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 the food of man 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 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 twelve miles from the town hall for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the borough.

A.D. 1930.

(4) 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.

99. Section 72 (Precautions against contamination of food intended for sale) 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.

Medical practitioners to notify cases of food poisoning.

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

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

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

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

101. Any person taking or introducing or causing to be taken or introduced any fats which are unfit for food into any premises in which food into the composition of which fat enters is manufactured or prepared for sale or into any premises directly or indirectly connected by a passage or pipe or in any other way with any such premises (except so far as such passage pipe or other connection as the case may be is required or used for sanitary or other similar purposes and not in connection with the manufacture or preparation hereinbefore mentioned)

shall for each offence be liable to a penalty not exceeding five pounds unless he can prove that such fats were not taken or introduced into such premises for the purpose of being used and have not been used as an ingredient in the manufacture or preparation of food.

As to filthy premises.

102.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary orders) of the Summary Jurisdiction Act 1879.

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

Houses without water supply.

103. Section 62 (Local authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words " or the medical officer of health " were inserted therein after the words " the surveyor."

Discontinuance of offensive trade.

104.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade:

A.D. 1930.

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

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

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation:

Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

Byelaws as to refuse.

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

Byelaws as to stables &c.

106. The Corporation may make byelaws—

(*a*) for securing the safe custody of any domestic or captive animals and the proper ventilation and lighting of and for the prevention of insanitary conditions in or about any existing stable shed or other place where such animals are kept (whether the same is used as such at the passing of this Act or not); and

(*b*) in regard to the situation in reference to other buildings of any stable shed or other place where domestic or captive animals are kept erected after the passing of this Act.

As to infected stables or other places.

107.—(1) Where the veterinary surgeon of the Corporation has certified that any infectious or parasitic disease has appeared in any stable shed or other place where domestic or captive animals are kept and the medical officer has thereupon certified that such stable shed 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 shed 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 shed or place.

Cleansing of dwelling-houses in certain cases.

108. 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.

Power to order alteration of chimneys.

109. It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation upon a report by the medical officer or sanitary inspector that any smoke gas or vapour from any chimney of a wash-house or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas or vapour or such other means to be adopted

A.D. 1930.

as may seem fitting to such court and as shall not exceed an expenditure of twenty pounds for preventing or mitigating such nuisance within such time as shall be specified in such order and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

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

Byelaws as to tipping refuse.

111. Section 44 of the Public Health Act 1875 shall in its application to the borough be extended to enable the Corporation to make byelaws for preventing the tipping of dust spoil and refuse on any land without the consent in writing of the owner of such land.

Water-closets may be required in new buildings.

112.—(1) Within one month after the deposit of any plan by a person intending to erect a new building the Corporation where there are a sufficient water supply and sewer may by written notice to that person require the new building to be provided with such number of proper and sufficient water-closets as the circumstances of the case may render necessary.

(2) Any person who fails to comply with any 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.

(3) In this section and in the next following section the expression "water-closet" means closet accommodation used or adapted or intended to be used in connection with the water carriage system of sewerage and comprising a separate receptacle and separate provision for flushing such receptacle by means of a fresh water supply laid on to a separate flushing cistern and having proper communication with a sewer.

Power to require conversion of slop-closets.

113.—(1) Where a water supply and sewer sufficient for the purpose are reasonably available the Corporation by notice to the owner of a building may require any existing slop-closet provided at or in connection with the building to be altered so as to be converted into a water-closet.

A.D. 1930.

(2) If the owner of the building fails to comply with any requirement of the Corporation under subsection (1) of this section the Corporation may at the expiration of a time which shall be specified in the notice and shall not be less than twenty-one days after the service of the notice do any work necessary to carry out the requirement of the notice and may (subject as hereinafter provided) recover from the owner the expenses incurred by the Corporation in so doing.

(3) Where in pursuance of this section the Corporation require the conversion of any existing slop-closet which prior to the service of the notice under subsection (1) of this section shall not have been certified by the medical officer to be insufficient for the needs of the inhabitants of the building or to be in such state as to create a nuisance or to be injurious to health the Corporation shall bear and pay one-half of the expenses incurred by them and the remainder of the said expenses shall be borne by the owner.

(4) A copy of any certificate of the medical officer under subsection (3) hereof shall be served on the owner together with the notice under subsection (1) hereof.

(5) (*a*) When any person deems himself aggrieved by any requirement of the Corporation under subsection (1) of this section or by a certificate of the medical officer under subsection (3) of this section or objects to the reasonableness of any expenses wholly or partially recoverable from him under this section such person may within fourteen days after the service of the notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction provided that he give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties:

Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question.

(*b*) Pending the decision of the court upon such appeal the Corporation shall not be empowered to

A.D. 1930.

execute any works to which the notice relates and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

(6) The Corporation may contribute towards the expenses incurred in executing any work in pursuance of this section in any case in which they may not be required to bear any part of such expense and in any case in which they are required to pay one-half thereof they may if they think fit pay a larger proportion.

(7) Every notice in pursuance of subsection (1) of this section shall state the effect of the provisions of subsections (1) (2) (3) and (5) of this section.

Power to close slaughter-houses if injurious to public health.

114.—(1) (*a*) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health or which shall have remained unused as a slaughter-house for a period of six months require that the premises shall cease to be used as a slaughter-house on and after such date (not being less in the case of a slaughter-house which is in the opinion of the Corporation injurious or dangerous to public health than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(*b*) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(*c*) Provided also that such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public

health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister by the Minister and unless and until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875:

Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

Power to purchase slaughter-houses.

115. The Corporation may by agreement purchase any slaughter-house and premises connected therewith or any part of such slaughter-house or premises or the Corporation may agree with the occupier of such slaughter-house or premises with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a slaughter-house and may remove such slaughter-house from the register of slaughter-houses.

Notice to be given of this Part of Act.

116.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisment 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.

A.D. 1930.

PART VIII.

PARKS RECREATION GROUNDS AND SEASHORE.

Power to make byelaws.

117. The existing power of the Corporation of making byelaws for the regulation of their public parks and pleasure grounds shall extend to the making of byelaws for securing good and orderly conduct during any concert recital entertainment exhibition or amusement provided or carried on in pursuance of the provisions of the Public Health Acts or the local Acts.

Power to appoint officers.

118.—(1) The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and recreation grounds and to the seashore 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 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.

119. Every police constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Acts or the local Acts relating to the seashore or 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.

Power to set apart part of recreation ground as a parking place for vehicles.

120. The Corporation may appropriate and set apart such part or parts of their recreation grounds not exceeding in the case of any recreation ground one acre as the Minister may sanction as a parking place or as parking places for vehicles and the part or parts of the said recreation ground so appropriated and set apart shall be held and used as a parking place or parking places under and subject to the provisions of subsections (4) (5) (6) (7) and (9) of section 68 (Power to provide parking places for vehicles) of the Public Health Act 1925.

A.D. 1930.

Amendment of provisions relating to seashore.

121.—(1) For the purposes of Part VI (Seashore) of the Southport Corporation Act 1900 and this Act "the seashore" means the seashore and beach above and below high-water mark.

(2) The powers conferred upon the Corporation by section 43 (Power to purchase foreshore by agreement) of the Act of 1913 shall extend to the whole of the seashore and beach in the borough above and below high-water mark.

(3) The words "as it existed prior to the passing of the Order of 1911" of section 45 (Power to establish pleasure grounds &c.) of the Act of 1913 are hereby repealed.

Consent of Board of Trade to byelaws.

122. No byelaws affecting the foreshore below high-water mark made under the provisions of section 36 of the Southport Corporation Act 1900 (Byelaws as to seashore) as interpreted by the section of this Act the marginal note of which is "Amendment of provisions relating to seashore" which are made by the Corporation after the passing of this Act shall come into operation until the consent of the Board of Trade to such byelaws has been obtained.

PART IX.

COMMON LODGING-HOUSES.

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

123. No house or part of a house shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or any local Act for the time being in force in the borough 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.

Power to refuse registration.

124.—(1) 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—

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

A.D. 1930.

(*b*) 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 district in which the premises are situate.

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

(3) 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 such appeal be made within fourteen days from the date of such refusal and that written notice of such appeal be sent to the town clerk before such appeal is lodged.

(4) If the registration or renewal of registration be refused upon the ground that the premises are not suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a qualified surveyor architect or medical practitioner to examine and report to them upon the condition of such premises and their suitability for the purposes of a common lodging-house.

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

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

Byelaws relating to common lodging-houses.

125. Section 80 (Byelaws to be made by local authority) 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.

Further provisions as to registration of common lodging-house.

126.—(1) Section 69 (Discretion as to registration of lodging-house keeper) of the Public Health Acts Amendment Act 1907 shall in its application to the borough be read as if the words " if that person is newly registered after the commencement of this section " were omitted from subsection (2) of the said section.

(2) Notwithstanding anything in the Public Health Acts the registration of a common lodging-house whether registered before or after the passing 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.

Notice of provisions of Part IX of Act.

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

PART X.

POLICE AND HACKNEY CARRIAGES.

Regulations for controlling traffic.

128.—(1) The Corporation may from time to time make regulations prescribing within the defined area—

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

(*b*) the streets along which vehicular traffic shall pass in one direction only and the direction in which such traffic shall pass;

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

Provided that any regulation made under paragraph (*a*) of this subsection shall not prevent any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises in the streets to which such regulations refer from effecting such delivery or collection:

Provided also that no street shall be included in any regulation made under paragraph (*b*) of this subsection if and so long as such street is used by tramcars proceeding along such street in opposite directions.

A.D. 1930.

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister of Transport (in this Part of this Act called " the Minister ") for his approval and shall give notice of the subject-matters of the regulations 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 regulations can be obtained free of charge and shall state a date not being less than twenty-one days from the date of the notice by which and the manner in which any person aggrieved by the regulations may make representations thereon to the 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 regulations submitted to him by the Corporation and any representations thereon which may be duly made and may approve the regulations submitted to him with or without modifications or may disapprove the same.

(4) Before approving any regulations submitted to him under this section 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 in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the Minister for the services of such person.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a 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) Any regulations under this section shall come into force on a date to be fixed by the Minister.

(7) The Corporation shall cause notice to be given of all regulations 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 and shall also during the continuance of any regulation made under paragraph (*b*) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice indicating the effect of the regulation and the street to which it relates.

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

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

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

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

shall be liable to a penalty not exceeding forty shillings.

(9) In this section—

(*a*) the " defined area " means—

(i) the area within one thousand yards from the Chapel Street Railway Station;

(ii) the area within one thousand yards from the Birkdale Railway Station; and

(iii) the following roads from the boundary of the borough to the areas hereinbefore mentioned namely Preston New Road Cambridge Road Hesketh Road Argyle Road Park Crescent Scarisbrick New Road Liverpool Road and Waterloo Road and the continuation of those roads;

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

(10) The Minister of Transport on the application of any company body or person running omnibuses in the borough or appearing to him to be sufficiently interested and alleging that any regulation made under this section is unsuitable for the traffic requirements of the

A.D. 1930. borough or has been unfairly enforced may if satisfied as to the correctness of such allegation and after considering any representations made to him by the Corporation modify the regulation to which the application relates.

Notice of processions to be given.

129.—(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 chief constable of the borough by leaving such notice at the central police station in the borough 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.

(3) Section 112 (Notice of processions to be given) of the Southport Corporation Act 1900 is hereby repealed.

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

130. 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 certain hours.

As to street traffic.

131. The Corporation may delegate their powers under section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 and under the last preceding section of this Act to a committee consisting of not less than five members of the council and any orders

made or directions given by such committee under the said sections shall have the same force and effect as if made or given by the council. A.D. 1930.

Power to stop traffic on occasions of emergency.

132. It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on emergency to cause barricades to be erected in or across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

Unauthorised riding upon vehicles.

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

Regulation of omnibuses.

134.—(1) In addition to their existing powers the Corporation when licensing any omnibus to ply for hire shall have power to attach to the licence one or more of the following conditions (namely):—

(*a*) Conditions with respect to the routes upon which such omnibus may or shall not ply for hire;

(*b*) Conditions requiring the establishment and maintenance of a regular service of omnibuses including a reasonable service for artisans mechanics and daily labourers morning and evening to a time-table to be prepared by the applicants and deposited with the chief constable such time-table not to be varied except by seven days' notice Provided that no conditions requiring any such time-table shall be attached to any licence to ply for hire on any route unless a similar condition shall be attached to any other licence to ply for hire on that route:

Either the holder of the licence or the Corporation may require such time-table to be varied and should a dispute arise between the holder of the licence and the Corporation as to the reasonableness of such variation the matter shall be determined in the same manner as is by this section provided with respect to the determination of any condition attached by the

A.D. 1930.

Corporation to any licence in respect of which the proprietor of any omnibus deems himself to be aggrieved;

(*c*) Conditions securing that the omnibuses to be used for any particular route shall be in design construction and equipment suitable to that route; and

(*d*) (i) Conditions securing that the Corporation shall have the right at any time of appealing to the Minister against the maximum fares charged by a licensee upon any service of omnibuses in the borough any such appeal to be determined in the same manner (mutatis mutandis) as is by this section provided with respect to the determination of any condition attached by the Corporation to any licence in respect of which the proprietor of any omnibus deems himself to be aggrieved;

(ii) In the event of any such condition being attached to any licence the holder thereof may at any time after the Minister has so determined the maximum fares at intervals of at least six months appeal to the Minister to reconsider the maximum fares so determined on the ground that circumstances have arisen which justify a revision of such maximum fares and any such appeal shall be determined in like manner;

(iii) If the proprietor of any omnibus charges any fares in excess of the maximum fares from time to time determined by the Minister he shall for the purpose of this section be deemed to have permitted the same to ply for hire contrary to a condition endorsed on his licence therefor.

(2) The proprietor of any omnibus deeming himself aggrieved by any condition which the Corporation may in pursuance of subsection (1) of this section have attached to any licence issued to him may appeal to the Minister who shall have power to make such order thereon as he shall think fit.

(3) Every order made by the Minister under this section shall be final and binding on the parties affected thereby and shall on the application of the Minister be enforceable by writ of mandamus.

A.D. 1930.

(4) The proprietor of any omnibus who permits the same to ply for hire contrary to any condition endorsed on his licence therefor under this section shall be deemed to have committed an offence under section 45 of the Town Police Clauses Act 1847.

Regulations as to stands or stopping places of omnibuses.

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

(*a*) as respects omnibuses in general or omnibuses of any particular class or used on any particular route or running according to a published time-table the stands which may be occupied exclusively by them and the places where they may stop for longer than is necessary for the purpose of picking up and setting down passengers; and

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

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

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

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

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

A.D. 1930.

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

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

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

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

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

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

A.D. 1930.

(11) The Corporation shall not make any regulations prescribing stands or stopping places of omnibuses in such a position as to interfere with or render less convenient the access to or exit from any station or depôt of any railway company or railway committee.

Insurance by hackney carriage proprietors.

136.—(1) The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage or omnibus if the applicant (not being a railway company) fails to satisfy them that he effects and keeps on foot an insurance with a responsible insurance company against or makes adequate financial provision for meeting any liability that may be incurred by him in respect of any injury or damage occasioned by such hackney carriage or omnibus to any person or property but in the event of any licence to ply for hire with an omnibus being refused under this section the applicant shall be entitled to appeal to the Minister under the provisions of subsection (3) of section 14 of the Roads Act 1920 and the provisions of that subsection shall apply accordingly.

(2) If a policy of insurance required by this section at any time lapses or otherwise becomes invalid any licence granted in respect of any vehicle to which the policy relates shall thereupon become void.

Prescribed distance for hackney carriages &c.

137.—(1) All byelaws for regulating licensed hackney carriages and the conduct of the drivers thereof and all provisions of the local Acts of the Corporation (including this Act) relating to hackney carriages and of the Town Police Clauses Act 1847 for the time being in force within the borough shall apply to licensed hackney carriages and the drivers thereof within a distance of eight miles from the town hall of the borough if the hiring takes place within the borough:

Provided that it shall not be obligatory on the drivers of licensed hackney carriages to contract to carry persons for hire beyond the borough.

(2) If the hiring takes place within the borough any offence against any such byelaw whether such offence shall have been committed within the borough or not may be brought before and be determined by any justices or justice of the peace having jurisdiction in the borough.

A.D. 1930.

Certain sections to cease to have effect on passing of general Act.

138.—(1) The provisions of the sections of this Act whereof the marginal notes are respectively "Through cars and omnibuses" "Corporation may appoint stopping and starting places" "Regulations for controlling traffic" "Unauthorised riding upon vehicles" "Regulation of omnibuses" and "Regulations as to stands or stopping places of omnibuses" shall cease to have effect on the coming into operation of any general Act relating to road traffic to the extent to which the subject-matters of those sections are dealt with by such general Act and if such general Act shall come into operation before this Act the provisions of those sections shall to the extent aforesaid not come into force.

(2) The sections of this Act of which the marginal notes are respectively "Insurance by hackney carriage proprietors" and "Prescribed distance for hackney carriages &c." shall so far as they relate to motor vehicles (other than tramcars and trolley vehicles) carrying passengers for hire or reward at separate fares or motor vehicles carrying passengers for hire or reward adapted to carry eight or more persons cease to have effect on the coming into operation of any general Act relating to road traffic to the extent to which the subject-matters of those sections are dealt with by such general Act and if such general Act shall come into operation before this Act those sections shall to the extent aforesaid not come into force.

Power to place police shelters in streets.

139. The Corporation may place and maintain at such places in the highways in the borough as the watch committee of the Corporation may think fit shelters or boxes for the use of police constables.

Byelaws as to esplanades seashore &c.

140.—(1) No person shall in or on the Marine Drive or in or on any esplanade parade promenade public walk garden or place of recreation or on the seashore or in the approaches to the promenade within two hundred and fifty yards therefrom respectively—

(*a*) importune any person by touting for a hotel lodging-house refreshment-house shop pier boat garden theatre tramway hackney carriage or any place of amusement;

(*b*) without the consent of the Corporation hawk sell or offer for sale any article or commodity or

take any photograph by way of trade or business; A.D. 1930

(*c*) without the consent of the Corporation make or engage in making any collection of money for charitable or other purposes.

(2) The Corporation may give any consent under this section upon such terms and conditions as they may think fit Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Corporation may think fit.

(3) Any person offending against the provisions of this section or contravening the terms or conditions upon which any consent is given thereunder shall be liable for every such offence to a penalty not exceeding twenty shillings.

(4) (*a*) Any person aggrieved by the withholding by the Corporation of any consent under the provisions of this section in regard to the approaches to the premenade or by any terms or conditions attached to such consent 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.

(5) The provisions of this section shall not prevent the owner of any part of the seashore or any person with his consent exercising any rights which they could have exercised if this section had not been enacted.

As to charges for user of seashore for certain purposes.

141. The powers of the Corporation under section 36 (Byelaws as to seashore) of the Southport Corporation Act 1900 shall extend to enable them to make byelaws providing for the prevention of the user of the seashore for the purpose of profit or gain or for the parking of vehicles by any person who seeking to use any part of the seashore for such purposes shall have failed to pay any charge prescribed by the Corporation.

A.D. 1930.

PART XI.

MARKETS AND FAIRS.

Erection of offices shops &c.

142. The Corporation may erect or provide offices shops stores warehouses and other tenements or buildings for the purposes of or in connection with any of their markets and the markets undertaking but nothing in this section shall allow the Corporation to erect any office shop store warehouse or other tenement or building in such manner as to infringe any existing legal rights of any owners lessees or occupiers of any land or property in the vicinity thereof.

Power to lease stalls shops &c. in markets.

143. The Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of any of the stalls standing places benches cellars or other conveniences in any market house market hall or market place belonging to them or under their control to any person for any term not exceeding three years and may grant leases (with a similar right) of any office shop store warehouse tenement or building situate in any of their markets or forming part of or acquired or erected in connection with the markets undertaking to any person for any term not exceeding twenty-one years.

Power to take possession of stalls for non-payment of rent.

144. If any tenant stall-holder or occupier shall not after any stallages tolls rents or charges have become due and payable to the Corporation in respect of any stall standing place bench cellar or other convenience in any market house market hall market place or fair belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stall standing place bench cellar or other convenience and re-let the same without prejudice to any other remedy for the recovery of such stallages tolls rents or charges.

Extension of powers of veterinary inspector.

145. Every veterinary surgeon of the Corporation may exercise the powers of section 116 (Power of medical officer of health to inspect meat &c.) of the Public Health Act 1875 in the same manner as the medical officer or the sanitary inspector and the Public Health Acts shall apply within the borough as if such veterinary surgeon were mentioned in the said section in addition to the medical officer and the sanitary inspector.

PART XII.

SALE OF COKE &c.

Application to sale of coke of Weights and Measures Act 1889.

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

Penalty on fraudulent sale.

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

Proceedings under Part XII of Act.

148. Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction any proceedings under or in pursuance of this Part of this Act.

Application of Part XII.

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

Notice to be given.

150.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in 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 XIII.

LANDS.

Further powers for acquisition of land.

151.—(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

A.D. 1930.

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.

(3) 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 apply the same either—

(*a*) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or

(*b*) in such other manner as may be approved by the Minister.

Power to develop lands &c.

152.—(1) Subject as regards lands to which section 51 of the Act of 1913 applies to the provisions of that section as incorporated with this Act the Corporation may lay out and develop any lands acquired by them under the powers of this Act and not required for the purposes for which they were acquired and (with the consent of the Minister) any other lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may erect

and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands and may sell lease exchange or otherwise dispose of any such lands houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

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

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

Retention and disposal of lands.

153.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or

A.D. 1930.

of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Act 1925) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

Provided that—

(*a*) the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained;

(*b*) 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.

(2) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

PART XIV. A.D. 1930.

FINANCE.

Power to borrow.

154.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest the sum requisite for and in connection with the payment of the costs charges and expenses of this Act and they shall pay off the moneys so borrowed within five years from the passing of this Act which shall be " the prescribed period " for the purposes of this Act and of any enactment incorporated therewith or applied thereto.

(2) (*a*) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of Part II (Tramways and omnibuses) of this Act and may with the consent of the Electricity Commissioners borrow such further money as may be necessary for any of the purposes of Part IV (Electricity) of this Act and may with the consent of the Minister borrow such further money as may be necessary for any of the other purposes of this Act.

(*b*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereto.

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

Return to Minister with respect to repayment of debt.

155.—(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 return 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 treasurer or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request

A.D. 1930.

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 purposes 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 requiring an annual return to be made by the Corporation with regard to the repayment of debt is hereby repealed.

Modification of section 70 of Act of 1885 and further powers as to stock.

156.—(1) The proviso to subsection (1) of section 70 (Creation of Corporation stock) of the Act of 1885 is hereby repealed.

(2) Notwithstanding anything contained in the Act of 1885 the Corporation may exercise any statutory borrowing power by the creation and issue of a further new class or classes of redeemable stock at such prices and bearing such dividends as the Corporation may determine by the resolution creating such stocks.

(3) Each class of stock created under subsection (2) of this section shall bear a distinguishing name or number to be given by the resolution creating it and shall be created on and subject to such terms and conditions as that all stock in the class shall bear one and the same rate

of dividend and shall become redeemable as hereinafter provided at the expiration of the same period from the first creation of the stock.

(4) After the expiration of such a period from the creation of the class of stock under subsection (2) of this section as the Corporation shall by the resolution creating the same declare all stock comprised therein shall be redeemable at par at the option of the Corporation and within such a period (not exceeding sixty years) from the first creation of such class of stock as the Corporation shall by such resolution declare the whole of the stock comprised therein shall be redeemed or purchased and extinguished.

(5) All stock created and issued under this section shall be charged in the same manner as and rank pari passu with stock issued under the Act of 1885 and shall otherwise be subject to the provisions of that Act as altered by subsequent Acts.

(6) A separate loans fund to bear the name given to it by the resolution creating each class of stock shall be established and formed in respect of each class which may be created and issued by the Corporation by virtue of this section and all the provisions of the Act of 1885 as altered by subsequent Acts in regard to the Southport Corporation Consolidated Loans Fund shall mutatis mutandis apply to the loans funds so to be established and formed Provided that the contributions to the loans funds shall be such as will with accumulations at compound interest at the rate of three pounds ten shillings per centum per annum or such other rate as the Minister may approve be sufficient to purchase at par the amount of stock issued in respect of any statutory borrowing power within the time within which under the terms of that borrowing power the money represented by the stock is to be repaid.

Consolidated loans fund.

157.—(1) Notwithstanding anything contained in any Act or Order on and after the thirty-first day of March nineteen hundred and thirty-one the Corporation may (if they think fit) establish a fund to be called " the consolidated loans fund " to which shall be paid—

(*a*) all moneys borrowed by the Corporation whether by issue of bonds stock or other security together with any moneys borrowed without security in

A.D. 1930.

connection with the exercise of any statutory borrowing power;

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

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

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

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

(*a*) in the redemption of 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 charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

A.D. 1930.

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

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

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

(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 another 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.

Application of section 7 of Public Health Act 1925.

158. The provisions of section 79 of the Public Health Act 1925 shall apply in relation to any sums set apart as a sinking fund or a redemption fund for the purpose of paying off moneys borrowed by the Corporation in

A.D. 1930. —

the exercise of any statutory borrowing power as if all such moneys had been borrowed by the Corporation in exercise of their powers under the Public Health Act 1875.

Evidence of transfer or transmission of securities.

159. 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 (Issue of stock) of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk or registrar of stock of the Corporation 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.

Receipt in case of persons not sui juris.

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

Interest on mortgages held jointly.

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

Expenses of execution of Act.

162. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the general rate fund.

Appointed auditors.

163.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or of the London Association of Accountants Limited to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors elected and appointed under the Municipal Corporations Acts Any auditor or auditors appointed by the Corporation under

the provisions of this section and for the time being holding office is or are in this section referred to as " the appointed auditor."

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditors and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

Insurance fund.

164.—(1) The Corporation may (if they think fit) establish a fund to be called " the insurance fund " with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say) :—

(*a*) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;

(*b*) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power;

(*c*) Risk of explosion in respect of boilers;

A.D. 1930.

(*d*) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;

(*e*) Risks of injuries to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises of or leased to the Corporation;

(*f*) Risks of mechanical or electrical breakdown at or in connection with any of the electricity works of the Corporation;

(*g*) Risks of loss due to infidelity of officers or servants of the Corporation;

(*h*) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(*a*) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(*b*) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to three hundred thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but

if the fund is at any time reduced below three hundred thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of three hundred thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Act) be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of three hundred thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the general rate fund and apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient and by arrangement with the managers of any public elementary school or the governing body of any college secondary school institute or hostel not provided by the Corporation as the local education authority include in the risks insured under paragraph (*d*) of subsection (1) of this section risks of accident to any teacher employed in any such school college institute or hostel.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses

A.D. 1930.

damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister and on such security as the Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings or departments of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

(9) Any fund which has been formed under section 102 (Power to establish accident fund) of the Act of 1913 shall be deemed to have been formed under this section.

Application of financial provisions.

165. The following sections of the Southport Corporation Act 1900 shall extend and apply to any money borrowed by the Corporation under any local Act for the time being in force in the borough (namely) :—

Section 130 (Sinking fund);
Section 131 (Protection of lender from inquiry);
Section 132 (Corporation not to regard trusts);
Section 133 (Appointment of receiver);
Section 135 (Application of money borrowed).

PART XV.

MISCELLANEOUS.

Byelaws as to Marine Drive &c.

166. The powers of section 83 of the Public Health Acts Amendment Act 1907 shall in its application to the borough be extended to enable the Corporation to make byelaws prescribing that vehicular traffic shall pass in one direction only on any esplanade or promenade and the direction in which such traffic shall pass on any such esplanade or promenade and for regulating or prohibiting the parking of vehicles or any specified class of vehicles thereon :

Provided that the Marine Drive shall be deemed to be a promenade within the meaning of the said section 83 as extended by this section. A.D. 1930.

Repair of sea embankments.

167.—(1) Where an embankment has been made for protecting any land in the borough against inroads of the sea the owner or owners of the embankment and the Corporation may enter into and carry into effect agreements relative to the maintenance of such embankment and subject to or in the absence of any such agreement the Corporation may execute such works and do such things as may be reasonably necessary to keep any such embankment in repair and the reasonable expenses incurred by them in so doing shall be repaid by the owner or owners thereof.

(2) Any question which may arise under this section between the Corporation and any owner relative to the reasonableness of any expenses incurred by the Corporation shall be determined by arbitration.

For protection of Scarisbrick Estate Drainage Commissioners.

168. Notwithstanding anything contained in this Act the following provision shall apply and have effect for the protection of the Scarisbrick Estate Drainage Commissioners (in this section referred to as "the commissioners") (that is to say):—

The Corporation shall not exercise any of the powers conferred by the section of this Act of which the marginal note is "Repair of sea embankments" upon any part of the embankments and drainage system of the commissioners as the same are defined in section 5 (Interpretation) of the Scarisbrick Estate Drainage Act 1924 without the consent in writing under seal of the commissioners but such consent shall not be unreasonably withheld and if any question shall arise whether it is unreasonably withheld that question shall be determined by arbitration the arbitrator being appointed in default of agreement by the President of the Institution of Civil Engineers.

Power to establish information bureaux.

169. The Corporation may establish and maintain an information bureau or information bureaux in the borough for the purpose of supplying such information with regard to the borough as may be desired by visitors or intending visitors to the borough and others or may subscribe towards the establishment of any such bureau and

A.D. 1930.

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.

Provision of lectures.

170. In addition to any other powers exerciseable by them whether as the local education authority or otherwise the Corporation may expend on the provision of lectures on educational or other subjects such sums as they may from time to time think fit not exceeding in any one year the sum of two hundred pounds after deducting any moneys received by them under the provisions of this section and may charge for admission to such lectures.

Power to advertise entertainments and attractions &c.

171. The Corporation may pay or contribute towards the payment of the cost of providing and maintaining at railway stations and other public places and in newspapers magazines and other publications and on passenger boats tramways and omnibuses plying in the borough or between the borough and other places advertisements relating to the performances and entertainments provided at their concert halls pavilions conservatories winter gardens bandstands parks and other places :

Provided that the amount to be expended in any year for the purposes of this section shall not be greater than the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny halfpenny in the pound levied in that year in the borough.

As to publishing weather reports.

172. The Corporation may provide and maintain barometrical and other instruments for recording the state of the weather and may take all necessary steps for making and publishing weather reports and statistics.

Power to erect shops &c. in connection with town hall.

173.—(1) The powers of section 89 (As to municipal buildings) and section 90 (Power to provide public buildings &c.) of the Act of 1913 shall extend to enable the Corporation to provide erect and maintain shops offices and other accommodation and conveniences on or in connection with or as part of the town hall and municipal offices and other buildings belonging to the Corporation and to let the same or any part or parts thereof on lease or otherwise for such purposes on such conditions and for such periods as they think fit.

(2) Nothing in this section shall be taken to dispense with the consent of the Board of Education 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. A.D. 1930.

Regulation of petroleum filling stations.

174. Section 11 (Byelaws as to petroleum filling stations) of the Petroleum (Consolidation) Act 1928 in its application to the borough shall be extended so as to empower the Corporation to make byelaws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street or of avoiding obstruction or danger having regard to the traffic therein.

Byelaws as to use of baths &c.

175. The power of the Corporation to make byelaws under the Baths and Washhouses Act 1846 shall include power to make byelaws for the regulation management and use of any swimming bath when used for any purposes authorised by section 108 (Power to close cover over and let swimming baths in winter) of the Act of 1913 and the Corporation may appoint such officers and servants as are necessary for the management and superintendence of the bath when used for any of the said purposes and may pay reasonable salaries wages and allowances to those officers and servants.

Further provisions as to brokers &c.

176.—(1) The Corporation may make byelaws for all or any of the following purposes with respect to the persons to whom licences are granted under section 27 (Brokers to be licensed) of the Act of 1876 (namely) :—

(*a*) For requiring every such person to enter in a book the description and the price of all articles purchased or acquired by him whether the same be second-hand goods or articles or marine stores or not and the date and time when and the name and address and occupation of the person from whom the same are purchased or otherwise acquired and any other particulars they think fit;

(*b*) For securing free access to every such book to the Corporation their officers and servants and persons authorised by the Corporation to inspect the same;

A.D. 1930.

(*c*) For securing to the Corporation their officers and servants free access to all places in which any such person shall carry on business;

(*d*) For preventing any such person from purchasing any new or second-hand goods or articles or marine stores from any person apparently under the age of sixteen years.

(2) Section 29 (Brokers to keep books for entering articles purchased) of the Act of 1876 shall be repealed as from the date upon which any byelaws made for the purpose mentioned in paragraph (*a*) of the last preceding subsection shall come into operation.

(3) Nothing in this section shall apply to or affect the carrying on of the business of a pawnbroker by any person for the time being holding a licence under the Pawnbrokers Act 1872.

Silencers for internal combustion engines.

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

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

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

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

Corporation may refuse to supply gas or

178. The Corporation may refuse to supply gas or electricity to any person whose payments for the supply of either gas or electricity or for meter rent in respect of

the supply of gas or electricity are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Power to cut off electricity in certain cases.

179.—(1) The Corporation may convert any refuse or surplus material or produce collected by them into slabs of artificial stone bricks concrete mortar material for filtration or percolation purposes at sewage disposal works and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the general rate fund.

Power to convert refuse into slabs and other materials and to use and sell such materials.

(2) Section 114 of the Act of 1913 is hereby repealed.

180. 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.

Evidence of regulations made by Corporation.

181. When the owner of any land or premises or other person is entitled or required to execute any work in any street or any drainage sanitary or similar work in the borough the Corporation may execute such work at the request of such owner or other person and may recover from him the expenses thereby incurred.

Power for Corporation to execute work at owner's request.

182. 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.

Service of summons on members of council.

183.—(1) The Corporation from time to time may appoint and remove a deputy town clerk a deputy surveyor a deputy medical officer and a deputy treasurer.

Appointment and powers of certain deputy officers.

(2) The signature of any such deputy shall for all purposes be a sufficient authentication of any notice or

A.D. 1930.

other document which is or may be required to be authenticated by the signature of the town clerk the surveyor the medical officer or the treasurer as the case may be.

Expenses may be declared private improvement expenses.

184. The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Power to enter premises.

185. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part V (Streets buildings and drains) Part VII (Infectious disease and sanitary matters) and Part IX (Common lodging-houses) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

186. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part V (Streets buildings and drains) Part VII (Infectious disease and sanitary matters) or Part IX (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 work 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 work he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Consents of Corporation to be in writing.

187. All consents given by the Corporation under the provisions of this Act or of any local Act Order bye-law or regulation for the time being in force within the borough shall be given in writing and unless otherwise

prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation. A.D. 1930.

Apportionment of expenses in case of joint owners.

188. Where under the provisions of this Act or any local Act for the time being in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Recovery of demands.

189. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment or any local Act or order for the time being in force in the borough whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

As to appeals.

190. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part V (Streets buildings and drains) Part VII (Infectious disease and sanitary matters) and Part IX (Common lodging-houses) 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.

Several sums in one summons.

191. Where the payment of more than one sum by any person is due under any Act or Order for the time being in force within the borough any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Application of Arbitration Act 1889.

192. Where under this Act any question or dispute other than questions to which the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919

A.D. 1930.

apply is to be referred to an arbitrator or to arbitration the provisions of the Arbitration Act 1889 shall apply thereto.

Recovery of penalties &c.

193. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any local Act for the time being in force in the borough or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner:

Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

General provisions as to byelaws.

194. 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 other than byelaws made under Part II (Tramways and omnibuses) thereof except that as regards confirmation of byelaws under the section of this Act of which the marginal note is "Further provisions as to brokers &c." and inquiries in relation thereto the Secretary of State shall be substituted for the Minister.

Inquiries by Minister of Health.

195.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister any expenses incurred by him in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Minister not exceeding five guineas a day for the services of such inspector.

Inquiries by Minister of Transport.

196. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act or any existing Act or Order of the Corporation the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to

therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Incorporation of certain sections of Southport Corporation Act 1900 and Act of 1913.

197. The following sections of the Southport Corporation Act 1900 and the Act of 1913 are incorporated with this Act and shall apply as if the same with the necessary modifications were set out in this Act (namely):—

The Southport Corporation Act 1900—

Section 175 (Informations by whom to be laid);

Section 181 (Compensation how to be determined);

Section 182 (Compensation may be in land &c.);

Section 185 (Authentication and service of notices &c.);

Section 186 (Damages and charges in case of dispute to be settled by justices); and

Section 188 (Powers of Act cumulative).

The Act of 1913—

Section 51 (Works below high-water mark to be subject to approval of Board of Trade);

Section 120 (Saving for indictments and other proceedings); and

Section 126 (Crown rights).

Application of section 265 of Public Health Act 1875.

198. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local Act for the time being in force in the borough as if the same were re-enacted therein.

For protection of Southport Pier Company Limited.

199. Nothing contained in this Act shall be deemed—

(1) to authorise the Corporation to contravene any of the covenants on their part contained in an indenture of lease dated the first day of July nineteen hundred and eleven and made between

A.D. 1930.

the Corporation of the one part and the Southport Pier Company Limited of the other part or any of the provisions of the said lease;

(2) to prevent touting upon the pier of the said company or prevent that company continuing to employ their servants lessees and licensees in making announcements with regard to the business or undertaking of the said company or of their lessees and licensees or in distributing hand-bills with regard thereto on the open space on the promenade in front of the entrances of the said pier and of the pavilion thereon within a distance not exceeding fifteen feet therefrom;

(3) to apply to or interfere with the user of or render less convenient the direct approach from the Marine Drive and the Promenade to the existing carriage drive leading from the corner of the Marine Drive and the Promenade to the said pavilion or the direct approach from the said existing carriage drive to the Marine Drive and Promenade.

For protection of Ince Blundell Estate.

200. Nothing contained in the sections of this Act whereof the marginal notes are "Power to develop lands &c." and "Power to erect shops &c. in connection with town hall" shall release the Corporation or any person purchasing or acquiring any lands from them under either of those sections from any rents covenants restrictions reservations terms or conditions affecting the estate known as the Ince Blundell Estate made payable by or contained in any conveyance lease or other deed or document by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same.

Costs of Act.

201. 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 out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the foregoing Act.

PART I.

LOCAL ACTS.

Session and chapter.	Title or short title.
28 & 29 Vict. c. cxcv.	The Southport Improvement Act 1865.
34 & 35 Vict. c. cxl.	The Southport Improvement Act 1871.
38 & 39 Vict. c. cxxvi.	The Southport Improvement Act 1875.
39 & 40 Vict. c. cxxvii.	The Southport Improvement Act 1876.
48 & 49 Vict. c. cxxii.	The Southport Improvement Act 1885.
63 & 64 Vict. c. lxvi.	The Southport Extension and Tramways Act 1900.
63 & 64 Vict. c. cclxxxi.	The Southport Corporation Act 1900.
3 & 4 Geo. 5. c. xciii.	The Southport Corporation Act 1913.

PART II.

ACTS CONFIRMING PROVISIONAL ORDERS.

Session and chapter.	Title or short title.
35 & 36 Vict. c. clviii.	The Tramways Orders Confirmation Act 1872 (No.4) confirming the Southport Tramways Order 1872.
37 & 38 Vict. c. xvii.	The Gas Orders Confirmation Act 1874 confirming the Southport Corporation Gas Order 1874.
39 & 40 Vict. c. cl.	The Tramways Orders Confirmation (Bristol &c.) Act 1876 confirming the Southport Tramways (Extensions) Order 1876.
41 Vict. c. xxxvii.	The Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1878 confirming the Order relating to the borough.
43 & 44 Vict. c. xxxvi.	The Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1880 confirming the Order relating to the borough.

A.D. 1930.	Session and chapter.	Title or short title.
	43 & 44 Vict. c. clxxii.	The Tramways Orders Confirmation (No. 1) Act 1880 confirming the Birkdale and Southport Tramways Order 1880.
	45 & 46 Vict. c. cxxxviii.	The Tramways Orders Confirmation (No. 1) Act 1882 confirming the Birkdale and Southport Tramways (Mechanical Power) Order 1882.
	50 Vict. c. viii.	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1886 confirming the Order relating to the borough.
	50 & 51 Vict. c. cxi.	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1887 confirming the Order relating to the borough.
	53 & 54 Vict. c. lxxxv.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1890 confirming the Order relating to the borough.
	54 Vict. c. l.	The Electric Lighting Orders Confirmation (No. 2) Act 1891 confirming the Southport Electric Lighting Order 1891.
	54 & 55 Vict. c. lxx.	The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1891 confirming the Order relating to the borough.
	58 & 59 Vict. c. lxxxvii.	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1895 confirming the Southport Order 1895.
	59 & 60 Vict. c. cv.	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1896 confirming the Southport Order 1896.
	62 & 63 Vict. c. cclxxiii.	The Tramways Orders Confirmation (No. 2) Act 1899 confirming the Southport Corporation Tramways Order 1899.
	62 & 63 Vict. c. cx.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1899 confirming the Southport Order (No. 1) 1899.
	62 & 63 Vict. c. cx.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1899 confirming the Southport Order (No. 2) 1899.

Session and chapter.	Title or short title.
2 Edw. 7. c. lxxxiv.	The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1902 confirming the Southport Order 1902.
2 Edw. 7. c. ccii.	The Tramways Orders Confirmation (No. 1) Act 1902 confirming the Southport Corporation Tramways Order 1902.
3 Edw. 7. c. lxi.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1903 confirming the Southport Order 1903.
5 Edw. 7. c. ii.	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1905 confirming the Southport Order 1905.
5 Edw. 7. c. cvii.	The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1905 confirming the County Borough of Southport Order 1905.
1 & 2 Geo. 5. c. clxxxv.	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1911 confirming the Southport (Extension) Order 1911.
2 & 3 Geo. 5. c. clxii.	The Local Government Board's Provisional Orders Confirmation (No. 15) Act 1912 confirming the Southport (Extension) Financial Adjustments Order 1912.
8 & 9 Geo. 5. c. xlvii.	The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1918 confirming the Southport (Rating) Order 1918.
11 & 12 Geo. 5. c. xcvii.	The Ministry of Health Provisional Orders Confirmation (No. 8) Act 1921 confirming the Southport Order 1921.

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