CHAPTER cxvii.

A.D. 1911.

An Act to confirm the constitution of the mayor aldermen and burgesses of the borough of St. Helens as the burial board of the borough of St. Helens and township of Windle to make further provision in regard to the granting of superannuation allowances to officers of the Corporation to make further provision in regard to their gas water and electricity undertakings and the health local government and improvement of the borough and for other purposes. [18th August 1911.]

WHEREAS the borough of St. Helens in the county of Lancaster (in this Act called "the borough") is a municipal borough under the management and local government of the mayor aldermen and burgesses of the borough of St. Helens (in this Act called "the Corporation") who acting by the council are also the urban sanitary authority for the borough:

And whereas the Corporation in pursuance of provisions contained in the St. Helens Corporation Act 1893 have acted as the burial board for the borough of St. Helens and the township of Windle and doubts having arisen as to the effect of the Local Government Act 1884 upon such provisions it is expedient to confirm the constitution of the Corporation as such burial board:

And whereas it is expedient to confer further powers upon the Corporation with regard to the establishment of a superannuation fund for the granting of superannuation and other allowances to officers and servants of the Corporation:

And whereas the Corporation are the owners of the undertakings which supply the borough and certain places in the neighbourhood thereof with gas and water and are also owners

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of the undertaking which supplies the borough with electricity and it is expedient to make further provision in regard to those undertakings:

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

	£
For the purchase of land for extending the burial ground and for and in connection with the laying out of such land - - -	4,420

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas an absolute majority of the whole number of the council at a meeting held on the ninth day of November nineteen hundred and ten after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the St. Helens Newspaper and Advertiser a local newspaper circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate and district fund and general district rate:

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the fourth day of January nineteen hundred and eleven being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 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 (that is to say) :— A.D. 1911.

PART I.

PRELIMINARY.

1. This Act may be cited as the St. Helens Corporation Act 1911. Short title.

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

Part I.—Preliminary.
Part II.—Burial Board.
Part III.—Superannuation and Provident Fund.
Part IV.—Gas.
Part V.—Water.
Part VI.—Electricity.
Part VII.—Streets buildings sewers and drains.
Part VIII.—Infectious disease and sanitary provisions.
Part IX.—Common lodging-houses.
Part X.—Police.
Part XI.—Financial.
Part XII.—Miscellaneous.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires— Interpretation.

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

"The borough" means the county borough of St. Helens;

"The council" means the council of the borough;

"The mayor" "the town clerk" "the treasurer" "the medical officer" "the surveyor" and "the inspector of nuisances" mean respectively the mayor the town clerk the treasurer the medical officer of health the surveyor and the inspector of nuisances of the borough and

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respectively include any person duly authorised to discharge temporarily the duties of those offices;

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

"The borough fund" "the borough rate" "the highway rate" "daily penalty" "statutory borrowing power" "statutory security" and "revenues of the Corporation" have the meanings assigned to them respectively by section 5 (Interpretation) of the Act of 1898;

"The Act of 1869" "the Act of 1893" and "the Act of 1898" mean respectively the St. Helens Improvement Act 1869 the St. Helens Corporation Act 1893 and the St. Helens Corporation Act 1898.

PART II.

BURIAL BOARD.

Corporation to be burial board for borough and township of Windle.

4. Notwithstanding anything contained in the Local Government Act 1894 or any other Act the Corporation shall be deemed to have been the burial board for the burial district named in subsection (2) of section 24 of the Act of 1893 from and after the commencement of that Act until the commencement of the Act of 1898 and thereafter for the district comprising the borough and the township of Windle and sections 24 and 25 of the Act of 1893 shall be and be deemed to have been in force and shall be read and construed accordingly.

Further lands for burial ground.

5. The purchase by the Corporation acting as the burial board for the borough and the township of Windle of the lands described in the schedule to this Act is hereby confirmed and the Corporation may forthwith after the passing of this Act and notwithstanding anything contained in the Burial Acts 1852 to 1906 appropriate such lands as a burial ground or as an addition to their existing burial ground and may use the same for burials and in relation thereto may exercise all the powers of the Burial Acts 1852 to 1906.

PART III.

SUPERANNUATION AND PROVIDENT FUND.

Superannuation fund.

6.—(1) It shall be lawful for the Corporation to establish in manner hereinafter provided a new superannuation and

provident fund for the provision of payments or other allowances on death superannuation resignation retirement or discharge to persons in the employment of the Corporation being contributors to such fund.

(2) The Corporation may prepare and approve by resolution a scheme or schemes for the establishment of such fund and may determine in and by any such scheme the following matters and things or any of them (that is to say):—

(*a*) What classes of persons shall be entitled to contribute to and participate in the benefit of the fund and to what extent such contribution shall be payable by persons in the service of the Corporation provided that no officer or servant in the service of the Corporation at the passing of this Act shall be obliged to contribute to the fund except with his consent:

(*b*) The conditions and terms upon which a member contributing to the existing superannuation fund may cease to so contribute and become a contributing member under the new scheme:

(*c*) The division of the persons contributing to and to be benefited by the fund into two or more classes according to the amount of salary or according to such other conditions as the Corporation shall determine power being reserved by the scheme to remove any contributor from one class to the other provided that no such removal shall place the contributor or his representatives in a worse position than he would have occupied if the removal had not been made:

(*d*) What (if anything) shall disqualify any person in the employment of the Corporation from becoming a contributor to the fund and participating in the benefits thereof:

(*e*) Under what circumstances any person having been a contributor to the fund shall cease to continue a contributor and to be entitled to participate in the benefits thereof:

(*f*) What proportion (if any) of his own contributions to the fund any person having been but voluntarily ceasing to be a contributor thereto shall be entitled to receive:

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(*g*) What proportion (if any) of the additions made by the Corporation to the fund in respect of the contributions of any member shall be payable to the representatives of such member in the event of his dying before he becomes entitled to any benefit under the scheme on superannuation resignation or retirement:

(*h*) The percentage or proportion not exceeding without the consent of the Local Government Board four pounds per centum of their salaries or wages which shall be payable to the fund by the contributors:

(*i*) The percentage or proportion not exceeding without the consent of the Local Government Board four pounds per centum of the salaries or wages of the contributors to the fund which shall be payable to the fund by the Corporation:

(*j*) The maximum salaries or wages on which the percentages or proportions aforesaid shall be payable by contributors and the Corporation:

(*k*) As to whether any and what proportion of any bonus commission or emolument payable to or receivable by a contributor to the fund shall be taken into account for the purpose of the scheme:

(*l*) The age at which or other circumstances in which a person shall become entitled to benefit under any scheme so that no person not incapacitated by illness shall be entitled to benefit (except by way of return of his own contributions with interest under subsection (3) of this section) at a less age than sixty:

(*m*) What part (if any) of his own contributions to the fund with interest thereon may be advanced by the Corporation out of the fund to a contributor in case of illness temporarily incapacitating him and the rate of interest payable by such contributor for the advance and the time when such advance shall be repayable:

(*n*) The payment to a person entitled to benefit under any scheme either by way of a gross sum or by way of an annuity or partly by way of a gross sum and partly by way of annuity:

(*o*) The rate not exceeding three pounds ten shillings per centum at which interest whether simple or compound shall be calculated in respect of the moneys contributed to the fund by the contributors and by the Corporation respectively:

(*p*) The future management and direction of the fund and the number of and mode of appointment of the committee for administering and managing the same and the powers to be conferred upon the committee with respect to such administration and management and whether any and if any what persons other than members of the Corporation should form part of or be associated with the said committee for the purposes of the administration and management of the fund:

(*q*) The securities upon which the moneys received on account of the fund shall from time to time be invested:

(*r*) And generally all such other matters and things in relation to the fund as the Corporation shall deem fit and proper to form part of and to be included in such scheme.

(3) Any scheme under this section shall provide as follows:—

(*a*) Any contributing member retiring from the service of the Corporation before superannuation bonâ fide of his own accord and not to escape dismissal shall be entitled to receive back the whole amount of his own contributions to the fund with interest as aforesaid and shall have no further claim upon the fund:

(*b*) Any contributing member dismissed the service of the Corporation or who retires from the service to escape dismissal for misconduct or neglect of duty which does not involve pecuniary loss to the Corporation shall be entitled to receive back the whole amount of his own contributions to the fund without interest and shall have no further claim upon the fund:

(*c*) Any contributing member dismissed the service of the Corporation or retiring from the service to escape dismissal for fraud or dishonesty or misconduct or neglect of duty which involves pecuniary loss to the

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Corporation shall at the discretion of the Corporation forfeit all or any part of his contributions and lose all benefits from the fund except such return (if any) as may at such discretion be made to him out of his own contributions:

(*d*) Any contributing member leaving the service of the Corporation in consequence of any reduction or alterations in the establishment or whose services are discontinued from any cause other than fraud or dishonesty or misconduct or neglect of duty shall be entitled to receive back the whole amount of his own contributions to the fund with interest thereon and such percentage or proportion of the contributions of the Corporation to the fund as may be determined by the scheme:

(*e*) The legal personal representatives of any contributing member who (not having been guilty of fraud or dishonesty or misconduct or neglect of duty which involves pecuniary loss to the Corporation) shall die before he becomes entitled to any benefit under the scheme on resignation or retirement shall be entitled to receive back the whole contributions of such member with interest as aforesaid and such percentage or proportion of the contributions of the Corporation to the fund as may be determined by the scheme.

(4) Any contributing member who shall become entitled to benefit under any scheme shall be entitled—

(i) If by way of a gross sum to a sum equal to the whole amount of his own contributions to the fund with interest as aforesaid and such percentage or proportion of the contributions of the Corporation in respect of such member to the fund with interest as may be determined by the scheme:

(ii) If by way of an annuity to an annuity equal in amount to such an annuity as could be purchased from the post office by means of a sum equal to the whole amount of his own contributions to the fund with interest as aforesaid and such percentage or proportion of the contributions of the Corporation in respect of such member to the fund with interest as may be determined by the scheme:

(iii) If partly by way of a gross sum and partly by way of an annuity the gross sum and the annuity taken together shall be equal in value to the whole amount of his own contributions to the fund with interest as aforesaid and such percentage or proportion of the contributions of the Corporation in respect of such member to the fund with interest as may be determined by the scheme Provided that for the purpose of ascertaining such value the value of the benefit taken by way of an annuity shall be the amount which would have been expended in purchasing the annuity from the post office.

(5) The Corporation before or at any time after approving any scheme under this Part of this Act may by resolution determine that the same shall be submitted to actuarial report and in any such case the scheme and the state of the fund shall forthwith and thereafter every five years be submitted for investigation and report to any actuary being a fellow either of the Institute of Actuaries or of the Faculty of Actuaries of Scotland appointed by them and approved by the Local Government Board and such actuary shall make an actuarial valuation of the fund and on the basis of such valuation shall certify whether any and if so what addition to the benefits prescribed in the last preceding subsection of this section may be made from the fund so that the fund as constituted under the scheme may be solvent without further contribution or payment by the Corporation other than the percentage or proportion of the salaries or wages of the contributors to the fund paid to the fund from time to time by the Corporation and any contributing members who shall become entitled to benefit during the then ensuing quinquennial period shall be entitled to the additional benefit so certified Provided that such additional benefit shall have relation to the length of service of or to the amount of contribution by or in respect of the member entitled thereto or to both of such matters as the Corporation may decide.

(6) The Corporation shall supply a copy of any scheme in force under this Act at a price not exceeding sixpence to any person in the employment of the Corporation interested in the fund or the representatives of any such officer or servant in case of death and shall supply gratuitously to every officer or servant or other person having an interest in the fund a copy of the last annual balance sheet of the same for the time being.

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(7) All such sums shall be paid out of the same fund or rate as the salary or wage of the contributing member.

(8) In the event of the moneys standing to the credit of the fund being at any time inadequate for the payment to contributing members of the sums to which they will be entitled under the provisions of the scheme the amount of any deficiency shall from time to time be made good by the Corporation.

(9) The Corporation may also out of the borough fund or borough rate pay any salaries costs and expenses of the management and administration of the fund and of and incidental to investments.

(10) It shall be lawful for the Corporation in their discretion to increase the amount of the benefits under subsections (4) and (5) of this section to which an officer may become entitled to a sum not exceeding the amount of the pension which might be granted to such officer under section 428 of the Act of 1869 but in any such case they shall from time to time pay into the superannuation fund out of the fund or rate from which the salary or wages of such officer were payable a sum or sums equivalent to the amount of such increase.

(11) It shall be lawful for the Corporation from time to time to enter into and carry into effect any contract with any company carrying on the business of life assurance or provident fund for the undertaking by such company of the liabilities of the Corporation under any scheme or schemes made under this Part of this Act or any of them.

(12) It shall be lawful for the Corporation from time to time on the recommendation of the committee but subject to the provisions of this Act to alter any portion of any scheme or make any new scheme in lieu of a scheme made under the provisions of this Act but no contributor nor the representatives of any contributor shall by reason of any such alteration be placed in any worse position than if the alteration had not been made.

(13) No contributor nor the representatives of any contributor to the existing superannuation scheme shall by reason of this Act or any scheme made hereunder be placed in any worse position than if this Act had not been passed.

(14) If any person becomes entitled to benefit under any scheme by way of annuity the Corporation may purchase for and

in the name of such person a post office or other Government annuity of an amount equal to the annuity to which such person may be so entitled and thereupon all liability of the Corporation to such person in respect of such annuity shall cease. A.D. 1911.

As to teachers.

7.—(1) For the purpose of this Part of this Act teachers who at the passing of this Act are or hereafter shall be permanently and exclusively employed by the Corporation as the local education authority for the borough or are permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not) or are permanently and exclusively employed in any school college or hostel provided by the Corporation as the local education authority for the purpose of Part II. of the Education Act 1902 (any such teacher in this section being referred to as "the teacher") shall be deemed to be persons in the employment of the Corporation whom or some of whom (according to their qualifications or conditions of service or otherwise) the Corporation may in their discretion determine to be a class or classes of persons entitled to contribute to and participate in the benefit of any fund established under the provisions of this Part of this Act and upon any such determination such provisions shall apply accordingly Provided that in exercising their discretion under this subsection the Corporation shall not differentiate between classes of teachers on the ground alone that any such class is composed of persons employed in public elementary schools provided by them or in public elementary schools not so provided.

(2)—(A) In the application of the provisions of this part of this Act to any teacher to whom the Elementary School Teachers' (Superannuation) Act 1898 (in this section called "the 1898 Act") applies the amount of the benefits to accrue to the teacher upon retirement under such provisions shall be complementary to the amount of the deferred annuity to which the teacher is entitled and of the superannuation allowance which may be granted to the teacher under the 1898 Act and the contributions to be made to the fund by or in respect of such teacher shall be calculated upon the amount of his salary or wages less such part or proportion or fixed sum as the Corporation shall determine so to be requisite in order to make the benefit to accrue in respect of such contributions under the provisions of this Part of this Act and the total amount of annuity and allowance received by the teacher under the 1898 Act together equal to the amount which he would have been entitled to receive upon his retire-

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ment under this Part of this Act if the 1898 Act did not apply to him and the benefit to accrue to the teacher under this Part of this Act shall be in proportion to contributions so made.

(B) For the purpose of giving effect to the provisions of this subsection the Corporation shall by resolution from time to time determine the part proportion or fixed sum to be deducted as aforesaid from the salary or wages of the teacher.

(C) If at any time hereafter by reason of the passing of any general Act of Parliament whether in this or in any subsequent session of Parliament the annual payments to be made to the teacher on the expiration of his certificate by way of deferred annuity or superannuation allowance or otherwise from any source other than the superannuation fund under this Part of this Act are materially increased the Corporation shall by an amending resolution make such provision as shall be necessary to meet the altered circumstances Any such resolution shall reduce proportionately the part proportion or amount of the salary (if any) in respect of which contributions are thereafter to be made by the teacher under the scheme.

(D) No part of any benefit or superannuation allowance received by any teacher from the superannuation fund shall be deemed to be paid out of or received from public money within the meaning of the 1898 Act or any rules made thereunder or otherwise.

(3) In the application of the provisions of this Part of this Act to any teacher who being entitled so to do did not accept the 1898 Act the Corporation may in their discretion restrict his interest in and benefit under the said provisions to such interest and benefit as he would have been entitled to if he had been a teacher to whom the said Act did apply.

Assignment &c.

8. The following provisions shall have effect with respect to every sum by way of pension superannuation allowance gratuity and allowance (in this section referred to as a "grant") payable by the Corporation to any person (in this section referred to as the "pensioner"):—

(1) Every assignment of and charge on a grant and every agreement to assign or charge a grant shall except so far as made for the benefit of the family of the pensioner be void and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors:

(2) Where any parochial relief is given to a pensioner or to any one whom he is liable to maintain the Corporation may pay the whole or any part of the grant to the guardians or other authority giving the relief and the same when so paid may be applied in repayment of any sums expended in such relief and subject thereto shall be paid or applied by the guardians or other authority to or for the benefit of the pensioner:

(3) If the pensioner neglects to maintain any person whom he is liable to maintain the Corporation may in their discretion pay or apply the whole or any part of the grant to or for the benefit of that person:

(4) If the pensioner appears to the Corporation to be insane or otherwise incapacitated to act the Corporation may pay so much of the grant as the Corporation think fit to the institution or person having the care of the pensioner and may pay the surplus (if any) or such part thereof as the Corporation think fit for or towards the maintenance and benefit of the wife or relatives of the pensioner:

(5) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant then if the Corporation so direct probate or other proof of the title of the personal representative of the deceased may be dispensed with and the sum may be paid or distributed to or among the persons appearing to the Corporation to be beneficially entitled to the personal estate of the deceased pensioner or to or among any one or more of those persons or in case of the illegitimacy of the deceased pensioner as the Treasury may direct and the Corporation and any officer of the Corporation making the payment shall be discharged from all liability in respect of any such payment or distribution:

(6) Any sum payable to a minor on account of a grant may be paid either to the minor or to such person and on such conditions for the benefit of the minor as to the Corporation seems expedient:

(7) Where a payment is made to any person by the Corporation in pursuance of this section the receipt of that person shall be a good discharge for the sum so paid:

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(8) The Corporation may with the consent of the Local Government Board make rules with respect to declarations to be taken for any purpose relating to grants payable by them and while any such rules so made are in force a person shall not be entitled to receive any sums in respect of a grant payable by the Corporation until any declaration required by those rules has been made Any person who makes a wilful misstatement of material fact in any such declaration shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour not exceeding three calendar months :

(9) This section shall apply to a grant payable under or in pursuance of the Act of 1893 and the Act of 1898 and any scheme made thereunder as well as to a grant payable under or in pursuance of this Act and any scheme made hereunder.

Application of part of existing fund under certain circumstances.

9. Notwithstanding anything to the contrary contained in the Act of 1893 or the Act of 1898 or in any scheme with respect to the Corporation superannuation fund made thereunder the Corporation may in any year realise from the invested moneys of such fund any sum not exceeding five hundred pounds and apply the same to the payments to be made in such year from the fund.

PART IV.

GAS.

Testing quality.

10.—(1) The quality of the gas supplied by the Corporation shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming 120 grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer or the table photometer as may be determined by the Corporation

the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Corporation or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Corporation shall within six months after the passing of this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

(4) Section 87 (Quality and illuminating power of gas) of the Act of 1869 is hereby repealed.

As to construction and placing of gas pipes &c. between mains and meters.

11. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Corporation may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Corporation's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:

(2) The Corporation may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published twice in some newspaper circulating within the gas limits and a copy thereof shall be kept exhibited in the offices of the Corporation:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Corporation's main but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the

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Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Corporation refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Power to lay down and utilise pipes for ancillary gasworks purposes.

12. The Corporation may lay down place repair alter remove and renew mains and pipes within the gas limits for the purpose of procuring conducting or disposing of any tar or other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their business 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 shall so far as applicable extend and apply to the laying down and placing repairing altering or removing and protection of such mains and pipes.

Power to require use of anti-fluctuator for gas engines.

13. Every consumer of gas supplied by the Corporation who uses a gas engine shall if required to do so by the Corporation use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper repair and in default of his so using or keeping such anti-fluctuator in proper repair the Corporation may cease to supply gas to such consumer The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removing testing inspecting

and replacing to be done at the expense of the Corporation if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

Period of error in defective gas meters.

14. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act 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 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 rents are recoverable by the Corporation.

Gas consumer to give notice to Corporation before removing.

15. At least twenty-four hours' notice in writing shall be given to the Corporation by every gas consumer before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas rent payable to the Corporation.

No penalty for failure to supply gas in case of unavoidable cause.

16. No penalty shall be incurred by the Corporation for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by circumstances beyond the control of the Corporation.

Notice to discontinue supply of gas.

17. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left with or sent by post to the Corporation.

Power to lay gas pipes in streets not dedicated to public use.

18. The Corporation may on the application of the owner or occupier of any premises within their gas limits abutting on or erected or being erected in any street laid out or made but not dedicated to public use supply such premises with gas and may lay down take up alter relay repair remove and renew in across along or out of such street such pipes and apparatus as

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may be requisite or proper for furnishing such supply in the same way and to the same extent as if such street had been dedicated to public use.

Gas fittings let for hire by Corporation not to be subject to distress &c.

19.—(1) Any pipes burners meters lamps tubes apparatus fittings and other articles and things (all of which are in this Act referred to as "gas fittings") let for hire or provided by the Corporation under the provisions of section 40 of the St. Helens Gas Act 1852 or section 26 of the St. Helens Gas Act 1870 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 any person in whose possession they may be.

(2)—(*a*) All gas fittings let by the Corporation on hire or provided under any statutory powers 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 such premises at all times continue to be the property of and removable by the Corporation.

(*b*) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any gas fittings are or shall be fixed.

(3) The Corporation shall only be entitled to the privileges and exemptions conferred by this section in respect of such gas fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

Power to refuse supply to persons in debt for other premises.

20. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas charges and meter rent due from him to the Corporation they may refuse to furnish to him a supply of gas until he pays the same.

Supply of gas where consumer has separate gas installation.

21. Where any person has a supply of gas laid on by the Corporation to any premises for which he has at the same time a supply of gas from an installation other than that of the Corporation the Corporation shall be entitled to receive from him as a standing charge in addition to the price of the gas actually supplied to him a fixed sum to be determined by them not exceeding five pounds per annum Provided always that in

determining such fixed sum the Corporation shall have regard to the probable maximum supply of gas which might at any time be required for such premises and Provided also that the Corporation shall not be entitled to any such standing charge as aforesaid in respect of any premises for which the whole supply of gas afforded by them is taken through a meter having a nominal capacity of less than ten lights.

Minimum charge for gas laid on to premises having supply of electricity.

22. Where any person has a supply of gas laid on by the Corporation to any premises for which he has at the same time a supply of electricity either from the Corporation or from an installation other than that of the Corporation the Corporation shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of a year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum Provided always that in fixing the amount of such minimum charge the Corporation shall have regard to the probable maximum supply of gas which might at any time be required for such premises Provided also that in respect of any premises for which the whole supply of gas afforded by the Corporation is taken through a meter having a nominal capacity of less than ten lights and the supply of electricity is taken from the Corporation no such minimum charge shall be made and Provided also that in respect of any premises for which the whole supply of gas afforded by the Corporation is taken through such a meter as aforesaid and the supply of electricity is obtained from an installation other than that of the Corporation the amount of the mimimum charge shall not exceed five shillings for any one quarter of a year.

For protection of London and North Western Railway Company.

23. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the railway company") shall unless otherwise agreed in writing between the Corporation and the railway company be in force and have effect:—

(1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways now or hereafter belonging to or used or occupied by the railway company or the bridges level crossings approaches viaducts stations or other works of the railway company under the provisions

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of the section of this Act of which the marginal note is "Power to lay down and utilise pipes for ancillary gasworks purposes" the same shall be done under the superintendence (if given) and to the reasonable satisfaction of the principal engineer of the railway company and according to plans to be previously submitted to and reasonably approved by him and in all things by and at the expense of the Corporation who also shall restore and make good the roads over any such bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be affected as aforesaid Provided that if the said engineer neglect or refuse for fourteen days to signify his approval or disapproval of such plans he shall be deemed to have approved thereof:

(2) All such works matters and things shall be executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations and other works and so as to cause no interruption to the passage or conduct of traffic over such railways or at any station thereon and if any such injury or interruption shall arise from or be in any way owing to any of the works matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Corporation shall make compensation in respect thereof to the said railway company the amount of such compensation unless agreed upon to be determined by arbitration in manner hereinafter provided:

(3) Any dispute or difference which may arise between the railway company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to anything to be done or not to be done thereunder shall be settled by arbitration the arbitrator being an engineer or other fit person to be appointed by agreement or failing agreement by the Board of Trade on the application of the railway company and the Corporation or either of them after notice in writing to the other and the provisions of the Arbitration Act 1889 shall (save as aforesaid) apply to any such arbitration.

Part V.

Water.

Corporation may require security for supply of water.

24.—(1) The Corporation may either on being required to give or after they have given a supply of water to any premises for any purposes other than domestic purposes by notice in writing require the person on whose credit the water is to be or is supplied within seven days after the date of the service of the notice to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply in case such person has not already given such security or in case any security given has become invalid or is insufficient and in case any such person fails to comply with the terms of the notice the Corporation may if they please refuse to supply or discontinue to supply water to such premises so long as such failure continues.

(2) Any security required to be given under the provisions of this section may be by way of deposit or otherwise and of such an amount as may be agreed upon between the Corporation and the person on whose credit the water is to be or is supplied or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction and that court may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding Provided that when any such security is given by way of deposit the Corporation shall pay interest at the rate of four per centum per annum on every sum of ten shillings so deposited for every six months during which it remains in their hands.

Supply of water by hose pipe to stables &c.

25. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Corporation may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rents.

Recovery of expenses of repairing meters &c.

26. The expenses referred to in subsection (1) of section 111 of the Act of 1898 may be recovered by the Corporation as water rents are recoverable.

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Power to lay water pipes in streets not dedicated to public use.

27. The Corporation may on the application of the owner or occupier of any premises within their water limits abutting on or erected or being erected in any street laid out or made but not dedicated to public use supply such premises with water and may lay down take up alter relay repair remove and renew in across along or out of such street such pipes and apparatus as may be requisite or proper for furnishing such supply in the same way and to the same extent as if such street had been dedicated to public use.

Detection of waste of water.

28.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus The Corporation shall where necessary provide reasonable means of access for persons bonâ fide going to or coming from the houses in any streets so stopped up.

(2) Provided that the Corporation shall not interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

(3) Provided also that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Corporation not bound to supply water to several houses by one pipe.

29. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

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

30. The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Part VI.

Electricity.

Attachment of brackets &c. to buildings for lighting.

31. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and attachments as may be required for lighting any street in the borough:

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1);

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

Provision in event of erroneous registration

32. In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous

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by meter in respect of supply of electricity.

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 The amount of the allowance to be paid to or 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.

33.—(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 with or sent by post to the Corporation.

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

Power to refuse to supply electrical energy in certain cases.

34. The Corporation may refuse to supply electrical energy to any person whose payments for the hire or sale of any lamp meter electric line fitting apparatus or thing let or sold or materials provided or work done under the powers contained in section 115 of the Act of 1898 are for the time being in arrear (not being the subject of a bonâ fide dispute) 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 lay electric lines &c. in streets not dedicated to public use.

35. The Corporation may on the application of the owner or occupier of any premises within the area of supply abutting on or erected or being erected in any street laid out or made but not dedicated to public use supply such premises with electrical energy and may lay down take up alter relay repair remove and renew in across along or out of such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the St. Helens Corporation Electric Lighting Order 1894 and the Electric Lighting Acts 1882 to 1909 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section as if such street were a street repairable by the inhabitants at large.

Power to construct electrical sub-stations under streets.

36.—(1) The Corporation may construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use sub-stations transforming stations and other works in connection with their electricity undertaking

and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient.

(2) Provided that the Corporation shall not under the powers of this section construct any work which shall so interfere with the access to any passenger or goods station of the London and North Western Railway Company as to obstruct the free ingress and egress of traffic into and from any such station and if any difference arise between the Corporation and such company as to whether such access will be interfered with the question shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the Board of Trade.

As to expenses under Part VI. of Act.

37. Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and for which no other provision is made by this Act 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 section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses.

Part VII.

Streets Buildings Sewers and Drains.

Approval and conditions of formation of streets.

38.—(1) Whenever application shall be made to the Corporation to approve the laying-out of a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) within the borough 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 for the development or laying-out of such estate or lands.

(2) Every person who fails to comply with the provisions of this section shall be liable on conviction in a summary manner to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Continuation of existing street to be deemed new street.

39. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the borough be deemed to be a new street.

Corporation may determine width of carriageway and footway in new streets.

40. The Corporation may determine in any case what proportion of the width of any new street or of any street with which a new street is connected shall be laid out as carriageway and as footway or footways respectively and any such street shall be formed accordingly.

Building line in new streets to be shown on plan.

41.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line").

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line for such street has been approved by the Corporation nor beyond or in front of the building line approved by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

(4) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of any such street than one half of the prescribed width of the street and an additional one seventh of such prescribed width the Corporation shall make compensation to the owner of any land lying between such one seventh and the building line for any damage sustained by him by reason of his being unable to build upon such land.

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

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

Further powers as to future line of streets.

42.—(1) The Corporation may at any time after prescribing and defining the line of frontage of any street in pursuance of the power conferred upon them by section 56 (Corporation may define future line of streets) of the Act of 1893 on giving three 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 line of frontage at the date when the same was so prescribed or defined shall be pulled down set back or altered so that the same shall not project beyond or in front of such line of frontage.

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

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

(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 Arbitration Act 1889 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) After any such line of frontage shall be so prescribed and defined as aforesaid any person who shall act contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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As to adjustment of boundaries on exchange of lands.

43.—(1) It shall be lawful for the Corporation for the purpose of securing the proper laying-out or development of any estate or lands in respect of or in connection with which any application for the approval of the Corporation of the laying-out of a new street which expression has the same meaning as in the section of this Act (of which the marginal note is "Approval and conditions of formation of streets") is made to 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 as may be necessary or convenient for such purposes and the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective owners of such estates or lands on the application of the Corporation or any such owner be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such owner or owners 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 owner 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 which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any owner in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such owner 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) as the lands exchanged therefor.

Application of purchase-money in certain cases.

44. The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase-money or compensation coming to parties having limited interests or prevented from treating or not making title are hereby incorporated with this Act and shall

apply to any purchase-money or compensation payable under the foregoing provisions of this Part of this Act. A.D. 1911.

Further provision as to intersecting streets.

45. Any person who shall erect any house or building contrary to the provisions of section 54 (Intersecting streets) of the Act of 1893 as amended by section 76 of the Act of 1898 shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Extension of section 125 of Act of 1869.

46.—(1) No building built or rebuilt since the twelfth day of July one thousand eight hundred and sixty-nine which is used or intended to be used for human habitation shall be or continue to be let or (where the owner is the occupier) occupied unless it has a yard or area exclusively used or occupied in connection therewith in accordance with the requirements of section 125 (Backyards to new buildings) of the Act of 1869.

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

Further provision as to new streets.

47.—(1) When a road or lane within the borough is about to become in consequence of building operations a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is in course of being built on the Corporation may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by the byelaws in force in the borough require such owner to widen such road or lane so as to give a width of not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land.

(2) Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on the owner of such land shall complete the widening of such road or lane so as to comply in all respects with the byelaws of the Corporation.

For preventing water flowing on footpaths.

48. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of a notice of the Corporation for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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Forecourts to be fenced off from streets.

49.—(1) Whenever any person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street.

(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.

Trees or shrubs overhanging streets and footpaths.

50.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Courts to be flagged.

51.—(1) The owner or owners of the premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or of any part of such court yard or passage shall flag asphalte concrete or pave such court yard or passage or any part thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging asphalting concreting or paving and drain in good repair.

(2) If such owner or owners shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation

may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

Removal of dilapidated and neglected buildings.

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

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

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

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Byelaws as to staircases in new buildings.

53. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws for

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the admission of light to staircases in new buildings so as to prevent danger to persons using such staircases.

Byelaws as to building materials.

54. The Corporation may make byelaws with respect to the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings.

Construction of buildings on lands liable to subsidence.

55.—(1) In the case of any building to be connected with any sewer and intended to be erected on lands where by reason of mining operations subsidences may be reasonably expected to occur the Corporation may regulate and prescribe the level at which the ground floor of any such building is to be constructed and at the time of the deposit of plans and sections of any such building the Corporation may require any person intending to construct the same to specify the proposed level of the ground floor thereof.

(2) Any person failing to comply with the requirements 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.

As to buildings of iron steel or reinforced concrete.

56. Notwithstanding any provisions contained in any public or local Act or byelaw in force within the borough regulating the construction of buildings the Corporation shall have power to relax or modify such provisions in the following cases and subject to the following provisions (that is to say):—

(1) Where a person is desirous of erecting an iron steel or reinforced concrete building or structure he shall make an application to the Corporation accompanied by complete plans sections and elevations of the proposed buildings with such details and other particulars as to the construction thereof as may be required by the Corporation:

(2) The Corporation if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars:

(3) The Corporation may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or the erection of such building and structure make and

issue such general rules as they think fit as to the place time and manner of making applications and as to the plans sections elevations details and particulars to be deposited with the Corporation and as to the precautions to be taken in connection with any such excavation foundation or erection for safeguarding the stability of the street and the property therein and the public safety and convenience and otherwise and as to any other matter or thing connected therewith respectively.

Provisions as to houses without water supply.

57. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available.

Pantries to be provided in new houses.

58. The owner of any dwelling-house the erection of which is commenced after the passing of this Act which is not provided with sufficient and suitable food storage accommodation who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Erection of buildings to greater height than adjoining buildings.

59.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

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

Means of escape from buildings in case of fire.

60.—(1) Every new building exceeding thirty-five feet in height used or intended to be used as a tavern hotel restaurant hospital boarding-house common lodging-house or school shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be

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occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) Nothing in this section contained shall be deemed to interfere with the operation of section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

(3) 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.

Expenses of providing waterclosets to be a charge on building.

61. Any building in respect of which expenses have been incurred and are recoverable by the Corporation under section 80 of the Act of 1898 (Power to require water or waste waterclosets in existing buildings) and all estates and interests therein shall stand and remain charged to the like extent and effect as under section 257 of the Public Health Act 1875 with the amount of such expenses together with interest thereon at the rate of five pounds per centum per annum from the date of service of a demand for the same till payment thereof.

Sanitary conveniences for manufactories &c.

62. Section 22 (Sanitary conveniences for manufactories &c.) of the Public Health Acts Amendment Act 1890 shall be extended so as to confer upon the medical officer the same power as is conferred upon the surveyor by subsection (2) of that section.

Area of habitable rooms.

63.—(1) Every new dwelling-house shall be provided with at least one living-room with a floor area not less than one hundred and thirty-two square feet and one bedroom with a floor area of not less than one hundred and ten square feet.

(2) No bedroom or other habitable room in any such dwelling-house shall have less floor area than seventy square feet.

(3) 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.

(4) Section 130 of the Act of 1869 is hereby repealed.

Sanitary conveniences for workmen engaged on buildings.

64.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the borough shall if practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such work or operation sufficient water or other closets and urinals.

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

Combined drain not to be a sewer.

65. Any combined drain constructed in pursuance of section 74 of the St. Helens Corporation Act 1898 shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

66. The powers given by section 19 (Extension of 38 and 39 Vict. cap. 55 s. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Watercourse not to be covered in except in accordance with approved plan.

67.—(1) Before the owner of any land within the borough shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Corporation may subject as hereinafter provided require such owner to so construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse:

Provided that—

(*a*) No requirement of the Corporation under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted;

(*b*) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency necessity or otherwise of the works required by the Corporation to be executed such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

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(3) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty of forty shillings.

Power to require watercourses on building land to be culverted.

68. If any watercourse or ditch situate upon land in the borough laid out for building or on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner or owners of such land to substitute for such watercourse or ditch a pipe drain or culvert Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partly belonging to any person other than the owner of the land so laid out for building Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Corporation may make communications between drains and sewers.

69. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Notice of intention to repair drains.

70.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation or the medical officer twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the inspector of nuisances or any officer of the Corporation authorised in writing by the medical officer for the purpose of inspection.

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

Improper construction or repair of watercloset or drain.

71.—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or

repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Wilful damage to drains water closets &c.

72.—(1) If any person causes any drain watercloset earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water-supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water-supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds.

(2) Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Street orderly bins.

73. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper in upon or under the streets of the borough of such dimensions and in such positions as they may from time to time determine.

Regulation dustbins.

74. The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable galvanised iron or enamelled iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply to any ashpits or any ashtubs

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or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

Pipes from slop-stones to be disconnected from sewers.

75.—(1) Every pipe from any slop-stone bath or basin in a building shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gulley grating at a suitable distance and every gulley grating or other inlet to the drains shall be properly trapped.

(2) Any person neglecting or refusing for a period of twenty-eight days to comply with a notice from the Corporation requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(3) Provided that this section shall only apply to buildings existing at the passing of this Act and that any expense incurred in respect of any such building beyond a sum of two pounds shall be borne by the Corporation.

Soil-pipes to be ventilated.

76.—(1) The soil-pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or (subject to the provisions of section 73 (Water or stack pipes not to be used as ventilating shafts) of the Act of 1898) by such other method as the Corporation shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on occupier refusing execution of Act.

77. 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 this Part of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner

to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding 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 works.

Power of entry.

78. 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 this Part of this Act as if those purposes had been mentioned in the said section 102.

Saving as to railway companies.

79. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connection with their railway under any Act of Parliament.

PART VIII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

For regulating manufacture and sale of ice-cream.

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

(*a*) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(*b*) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(*c*) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or similar commodity) suffering from any infectious disease the medical

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officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice-cream commodity or materials so destroyed.

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

Inspection of premises of dealer in ice-cream.

81.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into the premises of any manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Power to appoint more than one inspector of nuisances.

82. The Corporation may appoint more than one inspector of nuisances and sections 189 and 191 of the Public Health Act 1875 shall for the purposes of the execution of that Act within the borough be construed accordingly.

Information to be furnished to medical officer and penalty for furnishing false information.

83.—(1) The occupier of any building in the borough 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 knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

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Removal of body of person dying of infectious disease.

84. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the borough of such disease and the medical officer shall give notice thereof to the person responsible for the conduct of the burial of the body of such person it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Extension of section 124 of Public Health Act 1875.

85. No order shall be necessary under section 124 of the Public Health Act 1875 where the removal therein referred to is carried out with the consent in writing of the patient or his parent or guardian or other person having for the time being the charge or control of the patient.

Extension of section 126 (2) of Public Health Act 1875.

86. Any person who being in charge of the body of any person who has died from any dangerous infectious disorder or infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds.

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

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

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

Provisions as to retailers of milk.

88. The provisions of section 34 (Power for Privy Council to make orders relative to dairies cowsheds and milkshops) of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of

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any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Council under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the borough for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets.

House infested with vermin to be cleansed.

89.—(1) If the medical officer has reasonable cause to suppose that any house is infested with vermin he or any inspector of nuisances may enter on such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wallpaper from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable on summary conviction to a fine not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the Corporation was reasonable and as to whether the costs and 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 the notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case. A.D. 1911.

Cleansing of verminous persons.

90.—(1) The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition and may on the certificate of the medical officer cause any such person who consents to leave his house or whose parent or guardian (where the person is a child) consents to his leaving the house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case on the like certificate may cause any such person who does not consent or whose parent or guardian (where the person is a child) does not consent to be removed therefrom to any such temporary shelter or house accommodation where two justices on the application of the Corporation and on being satisfied of the necessity of the removal make an order for the removal subject to such conditions (if any) as are imposed by the order The Corporation shall in every case cause the removal to be effected and the conditions of any order satisfied without charge to the person removed or to the parent or guardian of that person.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) If any person at the request of the Corporation or under an order of such justices shall cease his employment in order to comply with such order the Corporation may make compensation to him for any loss he may suffer thereby.

(4) For the purpose of this section the word "house" includes any tent van shed or similar structure used for human habitation or any boat lying in any river dock canal or other water within the borough and used for the like purpose.

Overcrowding of small houses.

91.—(1) The medical officer or an inspector of nuisances may at any time between the hours of nine o'clock in the morning and six o'clock in the evening if he has reason to

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believe overcrowding to exist therein enter any dwelling-house which consists of not more than four rooms (which expression means living-rooms and bedrooms) for the purpose of measuring in cubic feet the space contained therein (exclusive of lobbies closets and presses and of recesses not exceeding four feet in depth and not having a separate window therein and not perfectly clear from floor to ceiling and from wall to wall and exclusive also of recesses in which there is any fixture whatever) and if the cubic contents thereof do not exceed two thousand six hundred feet may affix in some prominent position within the dwelling-house a plate or a ticket on which shall be marked the number of such cubic feet and the number of persons exceeding the age of eight years who without a breach of the provision of subsection (2) of this section may sleep therein and any person who obliterates defaces removes or alters such marking or ticket shall be liable to a penalty not exceeding ten shillings Provided that if entry to any such dwelling-house under the provisions of this section is refused by the person having the custody of such dwelling-house or any person acting in his behalf any justice may upon the application of the Corporation or the medical officer or an inspector of nuisances grant a warrant to the medical officer or an inspector of nuisances to enter such dwelling-house during the hours aforesaid for the purposes of this section and any person who obstructs the medical officer or an inspector of nuisances in the performance of his duty under such warrant and this section shall be liable to a penalty not exceeding five pounds.

(2) If any dwelling-house is used for the purposes of sleeping in by a greater number of persons than in the proportion of one person of the age of eight years or upwards for every four hundred cubic feet of space or of one person of an age less than eight years for every two hundred cubic feet of space contained therein (exclusive of lobbies closets and presses and of recesses not exceeding four feet in depth and not having a separate window therein and not perfectly clear from floor to ceiling and from wall to wall and exclusive also of recesses in which there is any fixture whatever) or by a greater number of persons than is marked on the plate or ticket affixed therein in pursuance of subsection (1) of this section every person being an occupier of such dwelling-house and so using it or suffering it to be used shall be liable to a penalty not exceeding twenty shillings for every day or part of a day during which it is used or suffered to be used and the medical officer or an inspector

of nuisances may from time to time enter such dwelling-house if they believe that the provisions of this section are being contravened. A.D. 1911.

Provisions for notification of tuberculosis of lung.

92.—(1)—(*a*) Every registered medical practitioner attending on or called in to visit any person within the borough shall forthwith on becoming aware that such person is suffering from tuberculosis of the lung send to the medical officer a certificate on a form to be supplied to him gratuitously by the Corporation stating the name age sex and place of residence and employment or occupation (so far as can be reasonably ascertained) of the person so suffering and whether the case occurs in his private practice or in his practice as medical officer of any hospital public body friendly or other society or institution.

(*b*) Any such medical practitioner who fails to give such certificate shall be liable on summary conviction to a fine not exceeding forty shillings.

(*c*) The Corporation shall pay to every such medical practitioner for each certificate duly sent by him in accordance with this section a fee of not exceeding two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any hospital public body friendly or other society or institution.

(*d*) A payment made to any medical practitioner in pursuance of this section shall not disqualify that practitioner from serving as a member of the Corporation or as a guardian of a union situate wholly or partly in the borough or in any municipal or parochial office.

(2)—(*a*) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any ship vessel boat tent shed or similar structure used for human habitation) would tend to prevent or check tuberculosis of the lung 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 the Corporation 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 the time to be fixed in the notice If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the

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Corporation as aforesaid or if having so informed the Corporation 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 of and at the cost of the Corporation under the superintendence of the medical officer.

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

(*c*) 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 if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(3)—(*a*) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung to cause such articles books things bedding or clothing to be delivered over 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 brought back and delivered to the owner free of charge.

(4) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of subsections (2) and (3) of this section in relation to any matter as to which he is not himself in default full 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.

(5) No provisions contained in any general or local Act of Parliament relating to infectious disease shall apply to tuberculosis of the lung or proceedings relating thereto under this section.

(6) In addition to the public notice required to be given by the section of this Act whereof the marginal note is "Public notice to be given of provisions of this Part of Act" the Corporation shall give formal notice thereof by registered post to every medical practitioner in the borough and any other registered medical practitioner known to be in practice in the borough and otherwise in such manner as the Corporation think sufficient and this section shall come into operation at such time not being less than one month after the first publication of the advertisement required by the said section as the Corporation may fix.

(7) The provisions of this section shall cease to be in force within the borough at the expiration of nine years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

Removal of person suffering from pulmonary tuberculosis to hospital.

93.—(1) If the medical officer certifies in writing that any person is suffering from pulmonary tuberculosis and is in an infectious state and that the lodging or accommodation with which such person is provided is such that proper precautions to prevent the spread of the infection cannot be taken or that such precautions are not being taken the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate may if they think fit make an order for the removal of such person to a suitable hospital or place for the reception of the sick 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 Provided that if the person so suffering is in receipt of union or parochial relief the hospital or place shall be one provided and maintained by the guardians of the poor of the Prescot Union in the county of Lancaster or a hospital or place to the support and maintenance of which such guardians contribute.

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(2) The medical officer shall give the person so suffering or some person being in charge of the person so suffering 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 Corporation may in their discretion make good any probable financial loss falling upon the relatives of or those actually dependent upon any person so suffering occasioned by the removal of any such person to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the before-mentioned loss and shall not make an order unless they are satisfied that the Corporation will make good such loss.

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

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to 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 the order should be made Such person or other 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 provisions of this section shall cease to be in force within the borough at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

Defining establishing of a new business.

94.—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established not only if it is established anew but also if it

is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the consent in writing of the Corporation but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Corporation to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may be given so as to continue in force for such period only as the Corporation may think fit by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on any offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) The expression "offensive trade" in this section means any trade which is for the time being an offensive trade within the meaning of section 112 of the Public Health Act 1875.

Penalty for throwing rubbish into streams.

95. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the borough so as to interfere with the due flow of such watercourse shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Public notice to be given of provisions of this Part of Act.

96.—(1) Public notice of the foregoing 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 and by a notice affixed outside the municipal offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

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

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As to expenses under Part VIII. of Act.

97. Any expenses of the execution by the Corporation of this Part of this Act shall be defrayed out of the borough fund and borough rate.

Part IX.

Common Lodging-Houses.

Registration of common lodging-houses.

98.—(1) Notwithstanding anything in the Public Health Act 1875 the registration of a common lodging-house shall operate for one year only and application for the renewal of such registration shall be made to the Corporation on or previous to the thirty-first day of December in every year.

(2) Any person aggrieved by a refusal to renew the registration of a common lodging-house may appeal to a court of summary jurisdiction within fourteen days after such refusal provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as they think fit and to award costs.

(3) Every person who after the thirty-first day of December nineteen hundred and eleven shall keep a common lodging-house without the registration of such house being renewed for the current year shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Notice of the provisions of this section shall be served upon the keeper of every common lodging-house within the borough either personally or by leaving the same at or sending the same to the common lodging-house.

(5) A copy of a notice endorsed with a certificate purporting to be signed by the town clerk that such notice has been served in accordance with the requirements of the last preceding subsection shall be sufficient evidence that the provisions of such subsection have been complied with.

Power medically to examine inmates of common lodging-houses where infectious disease is supposed to exist.

99. Whenever the medical officer shall report in writing to the Corporation that there is a prevalence of dangerous infectious disease in the borough or any adjoining county or neighbouring county borough and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the borough by persons resorting to common lodging-houses the Corporation may by resolution declare

that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the borough for such period as the Corporation having regard to the circumstances of the case shall in the resolution determine (that is to say)—

(1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation may exist or has recently existed in any common lodging-house in the borough medically examine any person found in any common lodging-house in the borough with a view to ascertaining whether such person is suffering or has recently suffered from such disease Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence:

(2) A copy of every such resolution shall forthwith be sent by the Corporation to every keeper of a registered common lodging-house in the borough and to the Local Government Board:

(3) Unless approved by the Local Government Board any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Local Government Board:

(4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

Part X.

Police.

Byelaws as to processions.

100. The power to make byelaws conferred upon the Corporation by section 23 of the Municipal Corporations Act 1882 shall extend to enable the Corporation to make byelaws in

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respect of processions and meetings in streets public places unenclosed places or spaces in the borough for the following purposes:—

(*a*) For requiring the person or persons organising or responsible for the organisation of such processions or meetings to give preliminary notice to the watch committee of the Corporation thereof:

(*b*) For the regulation of the conduct of persons in such processions or at such meetings:

(*c*) For prohibiting processions or meetings from passing through or being held in any such streets public places unenclosed places or spaces as may be prescribed by the watch committee on any occasion when they are of opinion that any procession or meeting therein is likely to cause serious disturbance:

(*d*) For the prohibition of the use of emblems or weapons or the playing of music likely to create a disturbance.

Amendment of Act of 1869 as to brokers.

101.—(1)—(*a*) Notwithstanding anything contained in the Act of 1869 no person shall carry on the business of a broker or dealer in second-hand goods or articles or marine stores except in such house or building or room or other part of such house or building as may be specified in a licence granted by the Corporation under the provisions of section 308 of the Act of 1869 or in a memorandum endorsed on such licence in pursuance of section 315 of the Act of 1869 and further no person named in any such licence shall change the place of carrying on his business or shall carry on the same in any other room or part of the house or building than that mentioned in the licence or in such memorandum without the previous consent in writing of the Corporation but nothing in this section shall render any such person liable to pay to the Corporation any sum which would not be payable under the provisions of the Act of 1869.

(*b*) Provided that the Corporation shall not under the provisions of this section refuse to grant a licence in respect of any house building or room or part of such house or building or to consent to any change of place as above mentioned unless—

(i) The house building or room is unsuitable or undesirable on account of difficulty of supervision by the police; or

(ii) The house building or room or any house building or room adjacent thereto is owned or occupied or frequented by persons of bad character.

(*c*) If any person shall do anything in contravention of the provisions of this subsection or neglect or omit to comply with any of such provisions he shall be liable to a penalty not exceeding five pounds and a further penalty not exceeding forty shillings for every day during which such contravention neglect or omission shall continue.

(2) Notwithstanding anything contained in section 312 of the Act of 1869 every licence granted under section 308 of that Act shall cease to be in force on the thirty-first day of March then next ensuing.

(3)—(*a*) Section 315 of the Act of 1869 shall be read and have effect as if the word "change" were substituted for the word "claim" at the end of that section.

(*b*) Section 316 of the Act of 1869 shall be read and have effect as if the word "without" where it occurs after the words "if any person" were omitted therefrom.

(4) Any police officer or any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall have free access at all reasonable times to every house building or room or other part of such house or building in which a person shall carry on the business of a broker or dealer in second-hand goods or articles or marine stores to inspect the same and the book required by section 310 of the Act of 1869 to be kept and every person who shall prevent hinder or obstruct such constable officer or person in the execution of his duty under this subsection shall be liable to a penalty not exceeding five pounds.

(5) Any person deeming himself aggrieved by any refusal or the withholding of any consent or approval of or by the Corporation under section 308 of the Act of 1869 as amended and extended by this section may within fourteen days of the date of such refusal or the withholding of such consent or approval appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just and the costs of such appeal shall be paid in such manner and by such parties to the appeal as the court shall direct.

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As to public vehicles taken at railway station.

102.—(1) The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation for the time being in force with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages within the borough conveying passengers to or from any railway station within the borough or plying for hire at such railway station as if such railway station were a public stand for hackney carriages Provided always that the provision of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles unless such vehicle plies for hire in the ordinary way.

(2) Section 93 of the Act of 1893 is hereby repealed.

Power to grant occasional licences.

103. An occasional licence for a public vehicle may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence.

No person to have care of more than one cart.

104.—(1) Notwithstanding anything contained in the Highway Act 1835 or in the Town Police Clauses Act 1847 no person shall act as the driver of or have the care of more than one cart waggon or carriage each drawn by an animal or animals in any street in the borough within a radius of one mile from the town hall and no person shall fasten or allow to be fastened to the rear of any such cart waggon or carriage any other cart waggon or carriage drawn by an animal or any animal drawing a cart waggon or carriage.

(2) Any person acting in contravention of this enactment shall be liable to a penalty not exceeding twenty shillings.

PART XI.

FINANCIAL.

Power to borrow.

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

1. Purpose.	2. Amount.	3. Period for repayment.
(*a*) For the purchase of land for extending the burial ground and for and in connection with the laying-out of such land.	£ 4,420	Forty years from the date or dates of borrowing.
(*b*) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Local Government Board.

(3) In order to provide for the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge as to moneys borrowed for the purposes (*a*) and (*b*) the borough fund and borough rate and as to money borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe are hereby respectively specially made liable and such moneys are hereby primarily made chargeable accordingly.

Moneys borrowed to be principal moneys within meaning of Act of 1898.

106. The moneys authorised to be borrowed under the provisions of this Act shall be and the same are hereby declared to be principal moneys within the meaning of the Act of 1898 and the provisions of that Act with respect to principal moneys the borrowing or raising of money and the payment off of borrowed money shall subject to the provisions of this Act apply accordingly.

Application of financial provisions of Acts of 1869 and 1898.

107. The following sections of the Acts of 1869 and 1898 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely):—

ACT OF 1869—

Section 378 (Protection to lenders from inquiry as to application of money);
Section 385 (Regulations as to mortgages);
Section 386 (Transfers of mortgages);
Section 388 (Power to mortgagees to obtain a receiver);
Section 389 (Accounts open to mortgagees):

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ACT OF 1898—

Section 122 (Certain regulations of Public Health Act as to borrowing not to apply);

Section 124 (Application of money borrowed);

Section 139 (Consolidation of loans):

Provided that section 378 of the Act of 1869 shall be read and have effect as if the words "or entitled" were omitted from that section and any application for a receiver under section 388 of the said Act shall be made to the High Court and the court may appoint a receiver upon such terms as they think fit.

Corporation not to regard trusts.

108. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Investment of money.

109. Where under the provisions of any Act of Parliament or of any order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to invest any money they may (in addition to any other powers for the time being vested in them) invest such money and the interest on the investments of such money in statutory securities.

Power to re-borrow.

110.—(1) The Corporation shall have power—

(*a*) To borrow for the purpose of paying off any principal moneys previously borrowed which are intended to be forthwith repaid; or

(*b*) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying principal moneys previously borrowed and which at the time of such repayment it was intended to replace by borrowed moneys.

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(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) By instalments or annual payments; or

(*b*) By means of a sinking fund; or

(*c*) Out of moneys derived from the sale of land; or

(*d*) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 21 of the St. Helens (Corporation) Water Act 1882 Article III. of the Order relating to the borough which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1891 section 108 of the Act of 1893 and section 138 of the Act of 1898 are hereby repealed but without prejudice to anything done or suffered to be done thereunder.

Expenses of execution of Act.

111. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund and rate or other funds or revenue as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Audit of accounts.

112. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Power to create accident fund.

113. The Corporation may if they think fit form a fund to be called "the accident fund" to provide for meeting claims upon them under the common law the Employers' Liability Act

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1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sums shall be invested at compound interest in or upon any statutory securities and accumulated until the same shall amount to the sum of ten thousand pounds Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the same shall not then have reached or shall have been reduced below the said sum of ten thousand pounds and if the said fund be reduced at any time it may in manner provided by this section be restored to the said amount.

Part XII.

Miscellaneous.

Covering &c. of Windle Brook.

114.—(1) The Corporation shall have the following powers with respect to so much of Windle Brook (hereinafter referred to as "the brook") within the borough as is now open and lies between Kirkland Street and Waterloo Street or to any part or parts thereof (namely):—

They may from time to time as they think fit—

(*a*) Cleanse and scour the brook;

(*b*) Invert pitch form and improve with such materials as they think fit the waterway bed or banks of the brook;

(*c*) Cover in and otherwise improve the brook;

(*d*) Make and maintain for all or any of such purposes all such works and conveniences as the Corporation think proper.

If the Corporation cover in the brook or any part thereof the site of the works executed by the Corporation under this section shall unless the Corporation otherwise decide remain for ever hereafter open and unenclosed and if any person without the previous written consent of the Corporation shall enclose the same or any part thereof or shall erect or cause to be erected or put up any building wall post fence or obstruction on or over the brook or the part thereof so covered in the Corporation may cause any such building wall post fence or obstruction to

be pulled down or otherwise dealt with as they think fit and any expenses so incurred by them in doing so may be recovered from such person The Corporation may make it a condition of giving any such consent that the person to whom the consent is given shall pay to the Corporation such sum as they think just regard being paid to the cost incurred by the Corporation in the exercise of the powers conferred upon them by this section and to the degree of benefit to be derived by the person to whom the consent is given.

(2) The Corporation on the one hand and the owner or owners of the bed and banks of the brook or any part or parts thereof on the other hand may enter into and carry into effect agreements with respect to carrying into execution the objects and provisions of this section or any of them.

Power to erect buildings on certain Corporation lands.

115.—(1) The Corporation may on the several pieces or parcels of land hereinafter described and shown upon the three plans hereinafter mentioned erect and maintain any houses shops or other buildings for any purpose which they may think reasonable and proper and may lease or agree to lease any such buildings for a term not exceeding nine hundred and ninety-nine years from the date of the lease or agreement either at a reserved rent or a fine or both as the Corporation think fit.

(2) The pieces or parcels of land hereinbefore referred to are as follows:—

(*a*) A piece of land (shown upon the plan marked A hereinafter mentioned) containing one thousand two hundred and sixty-one square yards or thereabouts and bounded on the north-west by Bridge Street on the south by Tontine Street on the south-east by an intended new road and on the north-east by the Nelson Hotel:

(*b*) A piece of land (shown on the said plan marked A) containing one thousand three hundred and fifty-two square yards or thereabouts and bounded on the north-west by Bridge Street on the north-east by Exchange Street on the south-east by the said intended new road and on the south-west by the Nelson Hotel:

(*c*) A piece of land (shown upon the plan marked B hereinafter mentioned) containing six hundred and ninety-five square yards or thereabouts and bounded on the

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south-west by Duke Street on the north-west by premises belonging to Mr. William Baines on the north-east by a passage communicating with Crab Street and on the east by Crab Street:

(*d*) A piece of land (shown upon the plan marked C hereinafter mentioned) containing one thousand four hundred and seventy square yards or thereabouts and bounded on the north-westerly and northerly sides by Boundary Road and premises belonging to Mr. James Gandy on the north-east by Kirkland Street on the south-east by Albion Street and on the southerly and south-westerly sides by Peter Street and premises belonging to the Ellison Trust Limited.

(3) The three plans hereinbefore referred to are the three plans marked respectively A B and C and each signed in triplicate by Ernest Gardner Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of each of such three plans being deposited in the Office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the Corporation.

Power to establish cold-air stores &c.

116.—(1) The Corporation may on any land for the time being belonging to them other than land held by them for the purposes of the Education Acts 1870 to 1910 or on any land acquired by them for the purpose construct and maintain in connection with any markets or public slaughter-houses or abattoirs established by them a refrigerator or cold-air store with all machinery apparatus and appliances necessary for the proper working and user thereof and for the storage and preservation of meat and other articles of food Provided that the Corporation shall not use for the purposes of this section any lands vested in them for any other purposes except with the consent of the Local Government Board and upon and subject to such terms and conditions as that Board may impose.

(2) The Corporation may demand and take in respect of the use of any such refrigerator or cold-air store such charges as the Corporation may determine.

(3) The Corporation may lease for any term not exceeding twenty-one years any such refrigerator or cold-air store or any part thereof at such rent and on such terms and conditions as the Corporation may think fit.

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(4) The Corporation may make byelaws with respect to the management of any such refrigerator or cold-air store.

Depôt for sale of sterilised and humanised milk.

117. The Corporation may establish maintain manage and carry on a depôt for the sale of sterilised milk and humanised milk and may appropriate and use such lands as may be necessary or expedient for that purpose and may provide laboratories plant and machinery and may buy sterilise humanise and sell milk for infants under two years of age Such depôt shall be subject to the medical supervision of the medical officer of health and shall be carried on in accordance with regulations to be approved by the Local Government Board In this section the expression "humanised milk" means milk specially treated so as to be suitable for consumption by infants under two years of age The Corporation shall apply all moneys from time to time received by them in respect of such depôt other than moneys (if any) received on capital account as follows (that is to say):—

Firstly In payment of the working and establishment expenses and cost of maintenance of such depôt;

Secondly In payment of the interest on moneys borrowed by the Corporation for the purpose of such depôt;

Thirdly In providing the requisite instalments or payments in respect of moneys borrowed by the Corporation for the purposes of such depôt;

Fourthly In extending improving and constructing (if the Corporation think fit) any works for the purposes of such depôt:

And the Corporation shall carry to the credit of the borough rate so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on the said depôt and paying the current expenses connected therewith Any deficiency in the revenue or receipts of the Corporation on account of such depôt shall be made good out of the borough rate The Corporation shall keep separate accounts in respect of such depôt and such accounts shall be kept separate from all other accounts distinguishing therein capital from revenue.

Power to make byelaws as to slaughter-houses.

118.—(1) The power of the Corporation to make and enforce byelaws with respect to slaughter-houses shall extend to the making and enforcement of byelaws for preventing the slaughter of animals in any pound pen lair or pining-house forming part of any registered or licensed premises for preventing

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the slaughter of any animal within public view or within the view of any other animal and for preventing the carcase of any slaughtered animal intended for the food of man from being contaminated during such time as the same shall be hung or remain in any slaughter-house.

(2) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or regulation of the Board of Agriculture and Fisheries or of any local authority made thereunder.

Ejection of steam or gas not to be an annoyance to public.

119. All steam or gas ejected from any fixed engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public but nothing in this section shall apply to steam ejected from any locomotive boiler or engine now or hereafter belonging to any railway company Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Power to require users of internal combustion engines to provide silencers.

120.—(1) Every consumer of gas whether supplied by the Corporation or from any other source and every other person who uses a stationary or fixed 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 and in default of his so providing using or keeping such silencer in proper repair the Corporation may if gas is supplied by them cease to supply gas to such consumer 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 consumer or other person aforesaid.

(2) Any person neglecting to carry out the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Assistants to overseers.

121. The Corporation may appoint and remove such officers as they may deem necessary to assist the overseers of the township of St. Helens in the discharge of their duties and fix the remuneration to be paid to such officers.

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Assistant overseer and others to give security to Corporation.

122. All officers appointed or to be appointed by the Corporation to assist in the discharge of the duties of the overseers of the township of St. Helens and any assistant overseer appointed by the Corporation shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Local Government Board shall report thereon annually to the Corporation and such securities shall be deposited with the town clerk and not with the board of guardians Assistant overseers appointed by the Corporation shall not be required to give security to the guardians of the union under section 61 of the Poor Law Amendment Act 1844.

Evidence of appointments authority &c.

123. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to breach of conditions of consent of Corporation.

124. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

In executing works for owner Corporation liable for negligence only.

125. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier

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or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Certain sections of Acts of 1869 1893 and 1898 to apply.

126. The following sections of the Acts of 1869 1893 and 1898 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (that is to say):—

ACT OF 1869—

Section 393 (Occupier in default of owner may execute works and deduct expenses from his rent):

ACT OF 1893—

Section 70 (Powers on inspection);
Section 120 (Compensation how to be determined);
Section 122 (As to appeal);
Section 126 (Judges not disqualified):

ACT OF 1898—

Section 121 (Inquiries by and expenses of Local Government Board);
Section 155 (General provisions as to byelaws):

Provided that the said section 155 of the Act of 1898 shall not apply to byelaws made under the provisions of the section of this Act of which the marginal note is "Byelaws as to processions."

Consent of Corporation to be in writing.

127. All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk.

Apportionment of expenses in case of joint owners.

128. Where under the provisions of this Act or any local Act 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.

As to notices &c.

129.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Recovery of penalties &c.

130. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs damages and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs damages and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

131. Proceedings for the recovery of any demand made under the authority of this Act or under the authority of the Act of 1869 the Act of 1893 or the Act of 1898 or any incorporated enactment 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.

Informations by whom to be laid.

132. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by an officer of the Corporation authorised in that behalf or by the town clerk.

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Penalties to be paid over to treasurer.

133. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer of the borough and be by him carried to the credit of the borough fund or to such other fund as the Corporation shall direct.

Application of section 265 of Public Health Act 1875.

134. 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 this Act as if the same were re-enacted herein.

Saving for indictments &c.

135. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Application of Arbitration Act 1889.

136. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Crown rights.

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

Powers of Act cumulative.

138. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Costs of Act.

139. 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 highway rate or the borough fund and borough rate or any of them in such proportions as the Corporation may by resolution determine or out of money to be borrowed under the powers of this Act for that purpose. A.D. 1911.

The SCHEDULE referred to in the foregoing Act.

DESCRIPTION OF LANDS WHICH MAY BE USED AS A CEMETERY.

A piece of land partly in the borough and partly in the township of Windle in the rural district of Whiston containing eight acres thirty-five poles twenty-two square yards or thereabouts and immediately adjoining the northerly southerly and westerly boundaries of the St. Helens Cemetery which said piece of land is bounded on the north as to part thereof by land belonging to Arthur Richard Pilkington and as to the other part thereof by the St. Helens Cemetery on the south as to part thereof by the St. Helens Cemetery and as to the other part thereof by land belonging to the said Arthur Richard Pilkington and Greenall Whitley and Company Limited on the east by the St. Helens Cemetery and on the west by land belonging to the said Arthur Richard Pilkington.

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