CHAPTER lvii.

An Act to confer further powers upon the mayor aldermen and burgesses of the county borough of Stockport with reference to the construction of waterworks and otherwise for the better local government and improvement of the borough and to make provision with reference to the borrowing powers of the Corporation and for other purposes. [30th June 1905.] A.D. 1905.

WHEREAS the county borough of Stockport (in this Act referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act referred to as "the Corporation"):

And whereas by the Stockport Corporation Water Act 1901 the Corporation are empowered to construct certain waterworks and to take water from the River Kinder and such waterworks are in course of construction but the Corporation are by section 19 of the said Act prevented from taking water from the River Kinder until they shall have constructed and completed the Kinder Reservoir (Work No. 1) by that Act authorised and it is expedient that the Corporation should be empowered to take a limited quantity of water from the River Kinder before the completion of the said reservoir as by this Act provided:

And whereas it is expedient for the purposes aforesaid to empower the Corporation to construct the further waterworks in this Act described:

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the waterworks by this Act authorised and such estimates amount to six thousand pounds:

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

And whereas by article 37 of the Stockport Extension Order 1901 it was provided that in the areas by that Order added to the borough the Corporation should not in any one year during a period of ten years from the commencement of the said Order levy rates exceeding in amount the total sums by that article prescribed:

And whereas the expenses of the Corporation under the Education Act 1902 are by that Act made a charge upon the borough rate:

And whereas the borough rate (including such expenses) and the improvement rate together in the case of one of the said added areas already equal and may soon exceed the total limit of rate prescribed by the said article:

And whereas in fixing the said total limit of rates the expenses of the Corporation under the Education Act 1902 were not anticipated:

And whereas to avoid questions which may arise as to the powers of the Corporation to vary the amounts to be levied in respect of the borough rate according to the areas of the several districts of the borough it is expedient that the said limit of rating be increased in the districts aforesaid as by this Act provided and that the ratepayers in those districts should contribute an equitable proportion of the educational expenses of the borough:

And whereas it is expedient that further powers should be conferred upon the Corporation with reference to streets buildings sewers and drains within the borough and further provision made for the health local government and improvement of the borough:

And whereas it is expedient that the Corporation should be authorised to raise moneys for the purposes aforesaid:

And whereas the Corporation have purchased land for and have entered into contracts for the erection of a town hall and municipal buildings:

And whereas there is now owing by the Corporation for the purchase of the said land the sum of twelve thousand five hundred and seventy pounds and the cost of erecting and

completing the said town hall and municipal buildings will amount to sixty-six thousand pounds and it is expedient that the Corporation be empowered to raise moneys for such purposes:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands which the Corporation may acquire and use under this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required and which may be taken or used under the powers of this Act have been deposited with the clerks of the peace for the counties of Derby and Chester which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas an absolute majority of the whole number of the council at a meeting held on the seventh day of December one thousand nine hundred and four after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the Stockport Advertiser a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and rates leviable within the borough:

And whereas that 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 one thousand nine hundred and five being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of 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

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Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Part I.

Preliminary.

Short title.

1. This Act may be cited for all purposes as the Stockport Corporation Act 1905.

Act divided into Parts.

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

Part I.—Preliminary.
Part II.—Water.
Part III.—Streets Buildings Sewers and Sanitary.
Part IV.—Infectious Disease.
Part V.—Finance.
Part VI.—Miscellaneous.

Provisions of certain general Acts incorporated.

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

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845);

The Waterworks Clauses Act 1847 (except section 83 relating to accounts) but that Act shall be read and have effect as if the words "with the consent in writing "of the owner or reputed owner of any such house or the "agent of such owner" were omitted from section 44;

The Waterworks Clauses Act 1863; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the conduits or lines of pipes by this Act authorised.

Interpretation.

4. In this Act unless the subject or context otherwise requires—

"The borough" means the county borough of Stockport;

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

"The council" means the town council of the borough;

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

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

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

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

"Statutory borrowing power" shall have the same meaning as that assigned to it by the Stockport Corporation Act 1899;

"Statutory security" shall have the same meaning as that assigned to it by the Stockport Corporation Act 1899;

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

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

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

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

Words and expressions to which meanings are assigned in enactments incorporated with this Act have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction.

Part II.

Water.

Power to take water from River Kinder

5.—(1) Notwithstanding anything in the Stockport Corporation Water Act 1901 contained the Corporation may until the time limited by the said Act of 1901 for the completion of

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before completion of reservoir.

the Kinder Reservoir authorised by the said Act shall have expired or the said reservoir shall have been completed whichever may first happen take appropriate and use for the purposes of their water undertaking from the River Kinder above the weir and measuring gauge constructed by the Corporation across the said river in accordance with the provisions of section 22 of the said Act a quantity of water not exceeding five million gallons per day Provided that the Corporation shall only be entitled to take such water if and so long as there is passing down the River Kinder over the said weir or measuring gauge a quantity of water at the rate of two million gallons or more per day of twenty-four hours.

(2) If the Corporation shall under the provisions of this Act take appropriate or use any water from the River Kinder before the completion of the Kinder Reservoir except in accordance with the provisions of this section they shall be liable to make compensation for any loss damage or injury sustained by any mill owner or person interested in the waters of the said river.

(3) The provisions as to inspection and examination of gauges of section 22 (Gauges to be constructed) and the provisions of section 23 (Settlement of disputes between Corporation and parties interested in compensation water) and 24 (Mill owners may repair gauges if Corporation fail to do so) of the said Act of 1901 shall apply to and in respect of the powers contained in this section.

Power to make waterworks.

6. Subject to the provisions of this Act and for the purposes of the immediately preceding section the Corporation may in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

Work No. 1 An intake weir situate wholly in the parish of Hayfield in the county of Derby on the right bank of the River Kinder at a point 166 yards or thereabouts measured in a straight line in a north-easterly direction from the south-west corner of enclosure numbered 268 on the 1/2500 Ordnance map of the parish of Hayfield published in 1898 and 132 yards or thereabouts measured in a straight line in a southerly direction from the south-east corner of enclosure numbered 270 on the said Ordnance map:

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Work No. 2 Conduit No. 1 A conduit or line of pipes situate wholly in the said parish of Hayfield commencing at the above described intake weir (Work No. 1) and terminating in the enclosure numbered 272 on the said Ordnance map at a point 55 yards or thereabouts measured in a straight line in a south-easterly direction from the north-west corner of such enclosure and 108 yards or thereabouts measured in a straight line in a southerly direction from the northern corner of the enclosure numbered 271 on the said Ordnance map by a junction with the existing Conduit No. 1 authorised by the Stockport Corporation Water Act 1901:

Work No. 3 Conduit No. 2 A conduit or line of pipes situate wholly in the parish of Disley in the rural district of Disley in the county of Chester commencing by a junction with the Conduit No. 1 authorised by the Stockport Corporation Water Act 1901 at 6 miles 3 furlongs 2·5 chains or thereabouts on the deposited plans and sections of that Act being a point on the public road from Stockport to Chapel-en-le-Frith 44 yards or thereabouts measured in a northerly direction from the north-east corner of the Ram's Head Hotel Disley and terminating in the existing Bollinhurst Reservoir of the Corporation in the enclosure numbered 549 on the 1/2500 Ordnance map of the said parish of Disley published in 1897 at or near the north-west corner thereof.

Corporation to erect and maintain gauge.

7.—(1) The Corporation shall cause to be erected and shall maintain on the main by which water is taken by them under the powers of this Act a self-recording gauge or meter for measuring the quantity of water so taken by them.

Records of gauges.

(2) The Corporation shall keep records of the quantity of water passing through the above-mentioned gauge or meter and over the Kinder gauge and such records shall be deposited at the town hall Stockport and shall be open to the inspection at all reasonable times of any mill owner or other person interested in the waters of the River Kinder who shall be entitled to take copies thereof free of charge.

For protection of Calico Printers' Association.

8.—(1) The measuring gauge referred to in the section of this Act the marginal note of which is "Power to take water from River Kinder before completion of reservoir" and

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the intake weir referred to in the section of this Act the marginal note of which is "Power to make waterworks" shall be constructed in such manner and at such levels as to ensure that no water will pass over the crest of the intake and into the well until the flow over the said gauge and down the River Kinder shall be at the rate of two million gallons per day of twenty-four hours and shall be so kept and maintained by the Corporation.

(2) If any difference shall arise between the Corporation and the Calico Printers' Association Limited their successors or assigns touching the mode of construction of such weir and measuring gauge or the maintenance and repair thereof such difference shall be settled and determined by a hydraulic engineer to be named by agreement between the parties or in default of agreement by the president of the Institution of Civil Engineers.

(3) The Calico Printers' Association Limited their successors and assigns shall in addition to the powers conferred by section 22 (Gauges to be constructed) of the Stockport Corporation Water Act 1901 be entitled at any reasonable time or times to inspect the records derived from the said measuring gauge and to take copies thereof.

Limits of deviation.

9. In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards provided that except for the purposes of crossing over a stream or to the extent shown on the deposited sections no part of the conduits by this Act authorised shall be raised above the surface of the ground.

New waterworks to be part of Corporation's undertaking.

10. Subject to the provisions of the section of this Act the marginal note whereof is "Power to take water from River Kinder before completion of reservoir" the waterworks by this Part of this Act authorised to be constructed shall form part of the water undertaking of the Corporation and the Corporation may use the water diverted into the same for the purpose of supplying water within their area of supply.

Power to acquire lands.

11. Subject to the provisions of this Act the Corporation may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Period for compulsory purchase of lands.

12. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Applying sections of Act of 1901 as to lands works &c.

13. The following sections of the Stockport Corporation Water Act 1901 (that is to say):—

Section 5 (Power to acquire easements only for aqueducts);
Section 11 (Persons under disability may grant easements &c.);
Section 14 (Subsidiary waterworks);
Section 25 (Prevention of plumbism);
Section 27 (Powers for repair of aqueducts and temporary discharge of water into streams); and
Section 56 (Saving rights of Duchy of Lancaster);

shall apply mutatis mutandis to and in relation to the lands to be acquired under the works authorised by and the water to be supplied under this Act.

For protection of Lord Newton.

14. Notwithstanding anything in this Act the following provisions shall have effect for the protection of the Right Honourable Thomas Wodehouse Baron Newton tenant for life of certain estates in the counties of Lancaster and Chester and of Piers Frederick Legh and Gilbert Henry Claughton trustees of the same estates their respective successors and assigns (hereafter referred to as "the owners"):—

(1) The Corporation shall make full compensation to the owners or any of their lessees or tenants and any servants workmen or other persons employed by them or any of them for all damage injury loss or expenses whatsoever which they may from time to time sustain by reason or in consequence of the bursting of or leakage from any of the works by this Act authorised:

(2) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not in respect of the conduit or line of pipes by this Act authorised except with the consent of the owners purchase or acquire any greater right or interest in any

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property of the owners than an easement or right of constructing in manner hereinafter provided and maintaining cleansing repairing renewing enlarging and inspecting such conduit or line of pipes and the Corporation shall from time to time as occasion may require restore and make good the surface of the land under which such conduit or line of pipes shall have been constructed and repaired or enlarged to the satisfaction of the owners :

(3) So much of Work No. 3 (Conduit No. 2) by this Act authorised as is intended to be constructed through the lands of the owners shall be laid by the Corporation in the line agreed upon between the agent of the owners and the water engineer of the Corporation and shown by a blue line on the plan signed by Arthur Cecil Leslie on behalf of the owners and Thomas Molyneux on behalf of the Corporation and the existing mains of the Corporation on the lands marked on the signed plan for the parish and rural district of Disley with the numbers 4 7 8 9 and 10 shall be taken up and relaid by the Corporation in the said line agreed upon and shown on the said plan as aforesaid :

(4) The owners shall be entitled to demand from the Corporation and the Corporation shall furnish to the farm known as Widowhurst and to the farm at present occupied by Elizabeth Swindells and to Woodend House and Woodend Farm all the property of the owners an adequate supply of water for domestic and farm purposes at such price and on such terms as are hereinafter in this section mentioned :—

(*a*) The Corporation to lay the necessary main from the existing main to the Swing Bridge across the Peak Forest Canal and service pipes to the farms named subject as regards the service pipe to Woodend and Woodend House to the owners of the said canal allowing the pipe to be carried across the footbridge over the canal ;

(*b*) The owners to pay the net cost of putting in the service pipes and the Corporation to pay the cost of laying the necessary main and to

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receive no payment for supplying such water except the ordinary rates and charges for water payable by consumers to the Corporation;

(*c*) The owners to grant easements for laying the pipes shown on the signed plan without charge and the payment for the easement for the existing pipes to remain the same as heretofore;

(*d*) The supply to be made within a reasonable time after the passing of this Act.

For protection of Cheshire County Council.

15. For the protection of the county council of the county palatine of Chester the provisions of section 30 of the Stockport Corporation Water Act 1901 shall apply to the works hereby authorised so far as such works affect any main road vested in the Cheshire County Council as if such works were authorised by the said Act of 1901.

For protection of Derbyshire County Council.

16. Subsection (10) of section 31 (For protection of Derbyshire County Council) of the Stockport Corporation Water Act 1901 is hereby repealed and in lieu thereof the following provisions for the protection of the county council of the county of Derby (in this section called "the county council") shall unless otherwise agreed in writing between the county council and the Corporation apply and have effect (that is to say):—

If and whenever any workman employed by the Corporation or their contractors agents or lessees in the construction of the works authorised by the Stockport Corporation Water Act 1901 and this Act who shall have been so employed for at least fourteen days immediately preceding his admission to the hospital hereinafter described or the wife or child of any such workman shall while suffering from infectious disease be sent to and detained in any hospital within the county of Derby the costs and expenses of maintaining which are provided out of public moneys the Corporation shall repay to the authority or the governing body of such hospital all costs not exceeding three guineas per week incurred by them in respect of the removal detention maintenance medical attendance and nursing of such person in the hospital and the necessary disinfection.

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For protection of rural district council of Hayfield.

17. The following provisions for the benefit and protection of the rural district council of Hayfield (in this section called "the council") shall except in so far as may otherwise be agreed between the council and the Corporation apply and have effect (that is to say):—

(1) If and whenever any workman employed by the Corporation or their contractors agents or lessees in the construction of the works authorised by the Stockport Corporation Water Act 1901 and this Act who shall have been so employed for at least fourteen days immediately preceding the day next but two before the admission of himself or his wife or any child of his to the hospital hereinafter described or the wife or any child of any such workman residing with him shall while suffering from any infectious disease other than small-pox be sent to and detained in any hospital in the county of Derby the costs and expenses of maintaining which are provided out of public moneys whether situate within the district of the council or outside such district the Corporation shall pay to the council all costs not exceeding three guineas per week incurred by the council in respect of the removal detention maintenance medical attendance and nursing of each such person in the hospital and (including in the amount of such last-mentioned costs) the necessary disinfection of any house tent van or shed lately occupied by such person and any bedding clothing or other articles which have been exposed to the infection of such infectious disease and any moneys paid by the council as compensation for any damage caused by such disinfection:

(2) If and whenever any such workman as aforesaid or the wife or child of any such workman as aforesaid shall while suffering from small-pox be sent to and detained in any such hospital as aforesaid the Corporation shall pay to the council all costs not exceeding three guineas per week in respect of the removal detention maintenance medical attendance and nursing of each such person in the hospital and shall in addition thereto pay to the council the

costs (not exceeding five pounds in the case of each ordinary house or dwelling place or ten pounds in the case of each shop or dwelling place let in separate tenements or used as a lodging-house) of and incidental to such disinfection as aforesaid as may be necessary in the case of small-pox including the moneys paid by the council as compensation for any damage caused by such disinfection and in respect of detention in quarantine:

(3) The council shall out of the moneys (if any) received from any such person so suffering or having suffered as aforesaid in respect of the costs aforesaid repay to the Corporation the costs paid by them in respect of such person or so much of such costs as the moneys so received (after deducting the costs of obtaining payment of the same) are adequate to repay:

(4) Nothing in this Act shall prejudice or affect any of the provisions contained in section 33 (For protection of the rural district council of Hayfield) of the Stockport Corporation Water Act 1901.

Part III.

Streets Buildings Sewers and Sanitary.

Urgent repairs to private streets.

18. In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs insanitary conditions or danger to passengers or vehicles in such street exist the Corporation may give notice in writing to the respective owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified in such notice such repairs in and upon such street as shall be specified in such notice and if such notice is not complied with the Corporation may if they think fit execute such repairs and the expenses thereof shall be recovered summarily by the Corporation from the owners in default according to the frontage of their respective premises.

Further bye-laws as to buildings.

19. The Corporation may make byelaws with respect to the materials with which new buildings shall be constructed.

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Rain-water pipes not to be used as soil pipes.

20. No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or watercloset 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.

Water or stack pipes not to be used as ventilating shafts.

21. No water pipe stack pipe or down spout in existence at the date of the passing of this Act used for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft for any drain Any person who shall offend against this section after fourteen days from the service upon him by the Corporation of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Soil pipes to be ventilated.

22. The soil pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or by such other method as the Corporation shall direct and 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 forty shillings and to a daily penalty not exceeding twenty shillings.

As to private drains.

23.—(1) In and for the purposes of section 58 of the Stockport Corporation Act 1899 and notwithstanding subsection (6) of that section the word "drain" shall be deemed to include any sewer or drain whether constructed before or after the passing of this Act with which two or more houses or premises (whether belonging to the same or different owners) are at the date of the passing of this Act or may at any time thereafter be connected or which is used or capable of being or intended to be used for the conveyance of the drainage of such houses or premises directly or by means of any other sewer or drain to any public sewer situate under a street repairable by the inhabitants at large but shall not include any sewer which has been constructed to the satisfaction of the Corporation under section 152 of the Public Health Act 1875 or any sewer which has been constructed by the Corporation for the effectual drainage of the borough.

(2) The powers of inspection conferred by the said section 58 shall only be exercised upon a warrant granted by a justice issued on complaint made on oath by the medical officer or the inspector of nuisances that he has reasonable grounds for believing the existence of a nuisance.

Sanitary conveniences for workmen engaged on buildings.

24. The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the borough shall provide to the reasonable satisfaction of the Corporation and until the completion of any such work or operation sufficient privies water or other closets and urinals and any person offending against this enactment shall be liable for every such offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Regulation dustbins.

25. The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide galvanised 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 or other receptacles for refuse in use at the commencement of this Act so long as the same are of suitable size and construction and in proper order and condition.

Exemption for railway property.

26. Nothing contained in this Part of this Act or in any byelaw made thereunder shall apply to any building (not being a dwelling-house) belonging to the Cheshire Lines Committee or any railway company and used by such committee or company as a part of or in connection with their railway.

Prohibition of blowing or inflating carcases.

27. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal intended for the food of man or to expose or deposit for sale within the borough a carcase so blown or inflated or any part thereof and any person who shall offend against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

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Part IV.

Infectious Disease.

Extension of provisions relating to milk vessels.

28. The provisions of section 34 of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of 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 Corporation 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.

Child suffering from infectious disease not to attend school.

29. No person being the parent or having the care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer that the child is not to be sent to school permit such child to attend school without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others.

Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Power to medical officer to examine school children.

30. The medical officer may enter any public elementary school within the borough at all reasonable times and examine the scholars attending the same and may exclude from attendance thereat for such period as he shall consider requisite any scholar who in his opinion is suffering from infectious disease or is likely to spread infection.

The medical officer shall upon the exclusion of any scholar in manner aforesaid give notice thereof in writing to the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends and shall send a copy of such notice to the parent or guardian of the scholar.

Any person who obstructs the medical officer in carrying into effect the provisions of this section or who permits any scholar to attend school after he shall have been excluded as aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings.

Corporation may pay expenses of persons in hospital.

31. Where a person not being a pauper is received as a patient into any hospital for infectious disease the Corporation may if they think fit themselves pay the whole or any part of the expenses arising out of the reception and maintenance of such person.

Byelaws for regulating hospitals.

32. The Corporation may make byelaws for regulating the admission to and discharge of patients from any hospital for infectious disease temporarily or otherwise provided by them and the conduct of patients therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Corporation.

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

33. Whereas having regard to the local circumstances of the borough and to the fact that the Corporation possess an efficient and adequate staff for the purpose it is hereby enacted as follows (that is to say) :—

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) :—

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 ascertain whether

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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 of not exceeding forty shillings for each offence ;

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 ;

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 ;

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.

Inspection of premises.

34.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant 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 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 for each offence.

Penalty on withholding information from medical officer.

35.—(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 dangerous 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 on summary conviction to a penalty not exceeding forty shillings.

(3) "Occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Removal of persons subject to infection.

36.—(1) Where it appears to the Corporation upon the certificate of the medical officer that it is necessary to remove from any house or part thereof all or any of the residents not being themselves sick on account of the existence or recent existence therein of infectious disease or for the purpose of disinfecting such house or part thereof they may make application to a justice and the justice if satisfied of the necessity of such removal may grant a warrant authorising the Corporation to remove such residents and imposing such conditions as to time and otherwise as to him may seem fit Provided always that no such warrant shall be necessary when the removal is carried out with the consent of any such resident or his parent or guardian The Corporation shall and they are hereby empowered to provide free of charge temporary shelter with any necessary attendants for such persons while prevented from returning to such house or part thereof.

(2) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation.

(3) The Corporation may for the purposes of this section—

Themselves build a place of reception;

Contract for the use of any place of reception.

(4) Any expenses incurred by the Corporation under this section shall be paid out of the district fund or general district rate.

Disinfection of clothes.

37. Any person taking or sending to any public washhouse or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from infectious disease shall previously to so taking or sending the same cause such bedding clothing or other things to be disinfected by the Corporation or to the satisfaction of the medical officer and in default shall be liable to a penalty not exceeding forty shillings and the Corporation shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things.

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and (*d*) out of the borough fund and borough rate and as regards the purposes (*e*) out of such funds and revenues of the Corporation as the Local Government Board may prescribe.

Periods of repayment.

43. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):—

As to moneys borrowed for the purposes (*a*) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within five years from the date of the passing of this Act;

As to moneys borrowed for the purposes (*b*) in the said section mentioned within twenty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purposes (*c*) in the said section mentioned within fifty-seven years from the thirty-first day of March one thousand nine hundred and five;

As to moneys borrowed for the purposes (*d*) in the said section mentioned within fifty-five years from the date or dates of the borrowing of the same; and

As to moneys borrowed with the approval of the Local Government Board within such period as that Board may prescribe:

Which respective periods shall be the prescribed periods for the purposes of section 68 of the Stockport Corporation Water Act 1899.

Application of financial provisions of Water Act of 1899.

44. The following sections of the Stockport Corporation Water Act 1899 (that is to say):—

Section 64 (Certain regulations of Public Health Acts not to apply);

Section 67 (Mode of payment off of money borrowed) omitting the words "in respect of moneys "borrowed for the purposes firstly and "secondly mentioned in the section of this "Act the marginal note whereof is 'Power "to borrow' shall not be required to be "made until the expiration of five years "from the day of transfer and in respect "of other moneys";

Section 68 (Sinking fund);

Section 69 (Annual return to Local Government Board with respect to sinking funds);
Section 70 (Power to reborrow);
Section 71 (Application of borrowed moneys);
Section 72 (Protection of lenders from inquiry);
Section 73 (Mode of raising money);
Section 75 (Application of moneys from sale &c. of land);
Section 76 (Power to include lands &c. in mortgages);
Section 77 (Corporation not to regard trusts); and
Section 80 (Audit of accounts);

shall subject to the provisions of this Act extend and apply mutatis mutandis to and in relation to the moneys borrowed and reborrowed under the powers of this Act.

Additional mode of payment off of money borrowed under Tramways Act 1870.

45. The Corporation and any local authority who shall have agreed to lease any tramway in their district to the Corporation may in addition to the modes of repayment prescribed by section 20 of the Tramways Act 1870 and subject to the regulations of that section as hereby extended borrow money for the purposes of that section and for the purchase construction equipment and adaptation to the use of mechanical power of tramways within their respective districts upon terms of repayment by equal annual instalments of principal and interest combined.

Extension of repayment periods under Water Act of 1899.

46. Whereas having regard to the special circumstances under which by the Stockport Corporation Water Act 1899 the balance of the income of the water undertaking of the Corporation after making the prescribed payments became applicable in reduction of the water rates for domestic supply within the entire limits of supply it is expedient that the provisions of the said Act should be and they are hereby amended in manner following (that is to say):—

The period fixed in section 66 (Periods for repayment of borrowed moneys) of the Stockport Corporation Water Act 1899 within which the Corporation shall not be bound to commence the payment off of moneys borrowed under subsections (1) and (2) of section 63 of the said Act shall be extended until the expiration of ten years from the day of transfer as defined by the said Act.

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Sinking fund for redemption of annuities.

47. For the purpose of redeeming the annuities created by and under the Stockport Corporation Water Act 1899 within the time specified by the said Act otherwise than by the borrowing of money the Corporation shall set apart a fund for that purpose which shall be formed and accumulated in the same way and subject to the same incidents as the sinking fund for the repayment of borrowed moneys is formed under the provisions of the said Act Provided that the prescribed period for the purposes of section 68 (Sinking fund) of the said Act of 1899 shall be forty-five years from the expiration of ten years after the day of transfer.

Scheme for fixing equated periods.

48.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any corporation stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation may with the sanction of the Local Government Board borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto.

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

Part VI.

Miscellaneous.

Amendment of Article 37 of Order of 1901 as to differential rating.

49. Article 37 (Differential rating) of the Order of 1901 is hereby amended so as to provide that each of the respective amounts mentioned as the total rates leviable by the Corporation in the added areas referred to in the said article (except the added part of Hazel Grove and Bramhall) shall be increased by the sum of sixpence and in the added part of Hazel Grove and Bramhall the amount of the total rates leviable by the Corporation shall be increased by the sum of fourpence.

Amendment of section 1 of Act of 1900.

50. Notwithstanding section 1 (Short title) of the Stockport Corporation Tramways Act 1900 that Act shall from and after the date of the passing of this Act be cited as the Stockport Corporation Act 1900 and the words "By virtue of the Stockport Corporation Tramways Act 1900" in the form of mortgage in the First Schedule to that Act shall hereafter be read as follows "By virtue of the Stockport Corporation Act 1900."

As to dealers in old metal and marine stores.

51.—(1) Every person who shall carry on business as a dealer in old metal or as a marine store dealer shall register his name and every place of business warehouse store and place of deposit occupied or used by him for the purpose of such business at the town hall in a book to be kept by the Corporation for the purpose.

(2) Every person who after the expiration of three months from the passing of this Act shall carry on such business without having so registered shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation their officers and servants and persons authorised in that behalf by the Corporation shall have free access at all reasonable times to every such place of business warehouse store and place of deposit to inspect the same and every person who shall prevent hinder or obstruct any officer servant or person so authorised in the execution of his duty under this subsection shall be liable for every such offence to a penalty not exceeding forty shillings.

(4) The Corporation shall give public notice of the provisions of this section by advertisement in two newspapers published in the borough.

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No person to have the care of more than one cart.

52. 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 in any street in the borough within a radius of one and a half miles of the site of the new 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 and any person acting in contravention of this enactment shall be liable to a penalty not exceeding twenty shillings for each offence.

Provisions as to regulation of street traffic.

53. The Corporation may make regulations with respect to such streets to be specified in the regulations as are specially liable to be obstructed by reason of the amount and nature of the traffic—

(*a*) Prescribing the line to be kept at any street crossing by all persons riding or driving;

(*b*) Requiring the drivers of heavy or slow moving vehicles to keep their vehicles to a particular portion of the street; and

(*c*) Regulating the accesses to and method of exit from the Corporation's tramway cars at stopping places and controlling persons resorting thereto.

All regulations under this section shall be subject as regards the matters mentioned in paragraphs (*a*) and (*b*) of this section to the approval of the Secretary of State and as regards the matters mentioned in paragraph (*c*) to the approval of the Board of Trade.

Any person who shall contravene any such regulation after warning given by word or signal by a police constable stationed in the street to direct the traffic shall be liable to a penalty not exceeding forty shillings.

As to breach of conditions of consent of Corporation.

54. Where 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.

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Penalty on occupiers refusing execution of Act.

55. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part III. of this Act or under any byelaw made under the powers of that Part of this Act 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.

Incorporation of section 265 of Public Health Act.

56. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with and shall form part of this Act.

Byelaws.

57. The provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to the byelaws which the Corporation are by this Act authorised to make.

Saving for indictments.

58. 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 consequences 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.

Incorporation of certain sections of Act of 1899.

59. The following sections of the Stockport Corporation Act 1899 are incorporated with this Act and shall apply as if the same with the necessary modifications were set out in this Act (namely):—

Section 110 (Application of provisions of Public Health Act as to mortgages) except as to form of mortgage and transfer of mortgages;

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Section 115 (Appointment of receiver);
Section 122 (Expenses of execution of Act);
Section 123 (Inquiries by Local Government Board);
Section 125 (Authentication and service of notices &c.);
Section 129 (Powers of Act cumulative);
Section 130 (Officers may institute proceedings);
Section 131 (Recovery from owner);
Section 134 (Compensation how to be determined);
Section 137 (Penalties to be paid over to treasurer);
Section 138 (Damages and charges to be settled by justices); and
Section 139 (Judges not disqualified).

As to appeal.

60. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Recovery of penalties &c.

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

Crown rights.

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

Costs of Act.

63. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

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