CHAPTER c.

An Act to confer powers upon the mayor aldermen and citizens of the city of Stoke-on-Trent with respect to a railway level crossing and for other purposes. [4th August 1926.] A.D. 1926.

WHEREAS the city of Stoke-on-Trent (hereinafter referred to as "the city") is a municipal borough and a county borough under the local government of the mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation") and the Corporation acting by the council of the city are the urban sanitary authority for the city:

And whereas a large tract of land situate between the Newcastle-under-Lyme Canal and the Trent and Mersey Canal in Trent Vale in the city is vested in the Corporation part thereof having been acquired and used for many years for the purpose of sewerage works and the disposal of sewage other part thereof having been acquired and used for the purpose of tipping refuse and other part thereof having been recently acquired in connection with and now being surplus to the construction of a new road known as Campbell Road Extension from Stoke to Hanford Bridge in the city:

And whereas the Corporation are constructing new sewerage works elsewhere in the city and are about to discontinue the user of the said lands at Trent Vale for that purpose and to dispose of those lands and of the other surplus land aforesaid:

[*Price 6d. Net.*]

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And whereas much of the lands hereinbefore referred to is not suitable for the erection of dwelling-houses and its sale for factory purposes is hindered by lack of railway access thereto and it would be of local and public advantage and of material benefit to the city and its citizens if the Corporation were empowered to license the laying down and user of a railway siding across Campbell Road Extension :

And whereas during the progress of the Bill for this Act the Corporation have arranged to sell part of the said lands upon terms which include (amongst others) the payment to the Corporation of an adequate price for the lands to be sold and provisions that a railway siding connecting the said lands with the North Staffordshire Railway of the London Midland and Scottish Railway Company shall be constructed by the Corporation and that the cost thereof shall in certain events be repaid to the Corporation by the purchasers and negotiations are in progress between the Corporation and the railway company with respect to the payments to be made in certain events to the Corporation in consideration of the construction of the said siding :

And whereas it is expedient that the Corporation be empowered to borrow moneys for the purposes of this Act and that the repayment thereof be spread over a period of years as in this Act provided and that the other provisions of this Act be enacted :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas the requirements of the Borough Funds Act 1872 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 :—

Short titles.

1. This Act may be cited as the Stoke-on-Trent Corporation Act 1926 and this Act and the Stoke-on-Trent Corporation (Gas Consolidation) Act 1922 may be cited together as the Stoke-on-Trent Corporation Acts 1922 and 1926.

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2. In this Act the several words and expressions to which meanings are assigned by the Public Health Act 1875 have the same respective meanings unless there be something in the subject or context repugnant to such construction And— Interpretation.

"The city" means the city of Stoke-on-Trent as constituted at the passing of this Act;

"The Corporation" means the mayor aldermen and citizens of the city;

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

"Telegraphic line" has the same meaning as in the Telegraph Act 1878;

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

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

4.—(1) The Corporation may subject as hereinafter provided grant to the owner or lessee of lands abutting on both sides of Campbell Road Extension a licence to lay down on the level of such road and use with engines and waggons a single line of rails as part of a railway Power to license level crossing over Campbell Road Extension.

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siding for the purpose of affording railway facilities for the conveyance of materials minerals and goods between his lands and the North Staffordshire Railway of the London Midland and Scottish Railway Company.

(2) Any such licence shall be for such period as shall be co-extensive with or less than the interest of such owner or lessee in the lands situate on the western side of Campbell Road Extension in respect of which such licence shall be given and shall be subject to such terms conditions covenants and agreements as the Corporation may require.

(3) It may be a condition of any such licence that the level crossing so licensed may be used by the owners lessees or occupiers of all or any of the lands situate on the western side of that road and now belonging to the Corporation on such terms and conditions as may be agreed between them and the Corporation and the grantee of the licence.

Provisions for public safety.

5. Any licence granted under the provisions of this Act shall be subject to the following conditions :—

(i) The rails shall be so laid and maintained that where the same cross the carriageway or footway of the road the upper surface thereof shall be upon a level with the surface of such carriageway or footway ;

(ii) The grantee of the licence shall pave or otherwise make up to the satisfaction of the Corporation the space between the rails and the carriageway and footway of the road for a distance of not less than three yards on each side of the line of rails and shall maintain and keep such paving or other material in good repair and condition to the satisfaction of the Corporation ;

(iii) The grantee of the licence shall erect and at all times maintain and keep in good repair to the satisfaction of the Corporation sufficient gates across the end of the level crossing on each side of the road and such gates shall be of such dimensions and so constructed as when closed to fence in the railway siding of which the level crossing forms part and prevent cattle or horses passing along the road from entering upon the railway siding ;

(iv) Such gates shall be kept constantly closed across the level crossing except during the time when engines or waggons passing along the railway siding shall have occasion to cross the road;

(v) The grantee of the licence shall unless otherwise permitted by the Minister of Transport employ a proper person to open and close such gates on either side of the level crossing and shall comply with any requirements which may be made by the said Minister with respect to the working of traffic over the level crossing;

(vi) The driver fireman or guard of any engine or waggon passing along the railway siding or other the person whose office or duty it may be to open or close the gates shall cause the same to be closed as soon as such engine or waggon shall have passed through the same;

(vii) No engine or waggon shall stand on the level crossing;

(viii) Within three months after the termination of such licence the grantee of the licence shall remove the rails and restore the foundations and surface of the carriageway and footway of the road to the satisfaction of the Corporation.

Penalty for breach of conditions of licence.

6. If the grantee of any licence granted under the provisions of this Act shall fail to remove his level crossing within three months after the termination of his licence or shall construct or use the same or permit the same to be used otherwise than in accordance with the terms and conditions of his licence he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

For protection of Postmaster-General.

7. For the purposes of section 7 of the Telegraph Act 1878 any work authorised or required by a licence granted under the provisions of this Act shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and for the purposes of the placing or maintainance of telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1925 any level crossing constructed or used in accordance with any such licence shall be deemed part of Campbell Road Extension.

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Power to make agreements as to railway siding.

8. The Corporation may enter into and carry into effect agreements with the respective owners or lessees of any lands abutting upon Campbell Road Extension and of the lands lying between that road and the North Staffordshire Railway of the London Midland and Scottish Railway Company and the London Midland and Scottish Railway Company or any of them with respect to all or any of the following purposes :—

(i) The construction working user management ownership and maintenance by any of the contracting parties of a railway siding with all necessary junctions signals and conveniences for the conveyance of materials goods and minerals from and to the railway aforesaid to and from the lands situate on the western side of Campbell Road Extension;

(ii) The accommodation conveyance transmission and delivery of traffic arising on or destined for any of the lands to be served by such railway siding or any part thereof;

(iii) The contribution or contributions to be made by any of the contracting parties to the cost of constructing and maintaining the said siding and of providing or acquiring the necessary lands therefor;

(iv) The terms and conditions upon which the owner lessee or occupier of other lands which can be served by the said siding or any part thereof may use the said siding or have his traffic conveyed thereover.

Provisions for use of sewage effluent of Corporation.

9.—(1) (i) Subject to the provisions of this sub-section the Corporation may contract with the owner lessee or occupier of any factory works or other trade premises in the city which may be erected on the lands referred to in the last preceding section of this Act or any other lands belonging to or to be acquired by the Corporation for the supply to any such owner lessee or occupier of water being effluent from any sewage works of the Corporation and in this section referred to as "sewage effluent."

(ii) Save so far as may be otherwise agreed in writing between the Corporation and the Staffordshire Potteries Water Board every contract entered into under

the provisions of this subsection shall contain provisions that the sewage effluent supplied thereunder shall only be used for condensation or boiler or other factory purposes or for washing coal or coke upon the premises of the person to be supplied therewith and the sewage effluent so supplied shall not be used for any other purpose.

(iii) Before entering into any contract under the provisions of this subsection the Corporation shall obtain the consent of the Minister of Health to the supply by them of sewage effluent and the contract shall contain such provisions as the Minister of Health may consider necessary to prevent danger to health or a serious risk of nuisance resulting from the user of the sewage effluent for any of the purposes mentioned in such contract Provided that such consent shall not be withheld except on the grounds of danger to health or serious risk of nuisance.

(iv) Where a court of summary jurisdiction is satisfied on complaint by an inspector of factories appointed in pursuance of the Factory and Workshop Acts 1901 to 1920 that any use or treatment to which sewage effluent supplied under this subsection is or is intended to be subjected in any factory workshop or other premises to which any of the said Acts apply is or threatens to be injurious to the health of the persons employed therein the court may by order require the occupier of such factory workshop or other premises to discontinue or refrain from such use or treatment or to take such other steps and within such time as may be specified in the order for remedying the danger complained of and in the event of the order not being complied with the occupier shall be guilty of an offence against the said Acts and shall be liable on summary conviction to a fine not exceeding twenty pounds and if the default continues to a daily penalty not exceeding five pounds.

(v) Nothing in this subsection shall authorise the creation or continuance of any nuisance.

(2) The Corporation and the London Midland and Scottish Railway Company in this section referred to as "the railway company" may enter into and carry into effect agreements for the supply subject as hereinafter provided of sewage effluent by the Corporation to

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the railway company for the purposes of any canal of or leased to the railway company.

(3) (i) The Corporation and the railway company and the owner lessee or occupier of any premises as aforesaid may enter into and carry into effect agreements for the supply by the railway company subject to the provisions of section 37 (As to disposal of surplus water of canal) of the North Staffordshire Railway Act 1921 of surplus water within the meaning of that section from any such canal to any such owner lessee or occupier in exchange for the supply subject as hereinafter provided by the Corporation to the railway company of sewage effluent for the purposes of any such canal.

(ii) Save so far as may be otherwise agreed in writing between the Corporation and the Staffordshire Potteries Water Board every contract or agreement entered into between the Corporation and the railway company under the provisions of this subsection shall contain a provision that the quantity of sewage effluent to be supplied by the Corporation to the railway company in any year shall not exceed the quantity of water to be supplied in the same year by the railway company to the owner lessee or occupier with whom the contract is made and the sewage effluent so supplied shall not exceed that quantity.

(4) Any contract or agreement entered into under any of the provisions of this section shall be for such period and subject to such terms and conditions as may be agreed upon between the parties thereto.

(5) For the purposes of this section the Corporation may provide and maintain all necessary pumps and other machinery and may lay down and maintain sewers drains and pipes and for those purposes exercise the powers of section 16 (Powers for making sewers) of the Public Health Act 1875.

(6) Nothing in this section shall be deemed to restrict or prejudice any existing right of the Corporation with respect to the disposal of their sewage effluent.

Purchase of lands by agreement.

10. The Corporation may purchase take on lease or otherwise acquire by agreement and may hold for the purposes of this Act any lands or any easement right or privilege over or in respect of any lands in the city Provided that the Corporation shall not create or permit

the creation or continuance of any nuisance on any lands acquired under the provisions of this section. A.D. 1926.

Retention and disposal of lands.

11.—(1) Notwithstanding anything in the Lands Clauses Consolidation Act 1845 or any other Act to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or to be acquired by them under this Act or any general or local Act for the time being in force in the city (other than the Housing Act 1925) or any Provisional or other Order and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

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

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

(3) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or other-

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wise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Power to borrow.

12. The Corporation may from time to time independently of any other borrowing power borrow at interest (*a*) for the purposes of this Act any sum or sums not exceeding in the aggregate twenty-five thousand pounds and (*b*) for paying the costs charges and expenses of this Act the sum requisite and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the borough fund and consolidated rate of the city and they shall pay off all moneys so borrowed for the purpose (*a*) as to so much thereof as shall be borrowed for the purpose of providing pumps or other machinery within a period of fifteen years and as to the remainder thereof within a period of thirty years from the date or dates of borrowing and for the purpose (*b*) within a period of five years from the passing of this Act each of which periods is for the purposes of this Act and of any enactment incorporated therewith or applied thereby "the prescribed period."

The provisions of this section shall not limit the powers conferred upon the Corporation by section 130 (Power to use one form of mortgage for all purposes) of the Stoke-on-Trent Corporation Act 1923.

Application of sections of Act of 1922 as to borrowing.

13. The following sections of the Stoke-on-Trent (Gas Consolidation) Act 1922 shall (with any necessary modifications) extend and apply mutatis mutandis to the moneys borrowed under and to the purposes of this Act namely :—

Section 4	Interpretation;
Section 55	Section 234 of Public Health Act not to apply;
Section 56	Mode of raising money;
Section 58	Method of payment off of moneys borrowed;
Section 59	Sinking fund;

Section 60 Protection of lender from inquiry;
Section 61 Corporation not to regard trusts;
Section 62 Appointment of receiver;
Section 63 Power to reborrow;
Section 66 Application of money borrowed.

Return to Minister of Health with respect to repayment of debt.

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

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

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

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(4) The provisions of this section shall extend and apply to any annual returns required to be made to the Minister with regard to the repayment of debt by any provisions of the local Acts or Provisional Orders now in force in the borough notwithstanding anything contrary to or inconsistent therewith in any such Act or Order.

Inquiries by Minister of Health.

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

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

Expenses of execution of Act.

16. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made may be defrayed out of the borough fund and consolidated rate of the city.

Informations by whom to be laid.

17. All informations and complaints under or for the breach of any of the provisions of this Act or of any licence granted thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the city.

Recovery of penalties &c.

18. All offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any licence granted 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.

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Application of section 265 of Public Health Act 1875.

19. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall with any necessary modifications extend and apply to the purposes of this Act as if the same were re-enacted therein.

Costs of Act.

20. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and consolidated rate of the city or out of moneys to be borrowed under this Act for that purpose.

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