



CHAPTER lvii.

An Act to empower the corporation of Doncaster to construct additional waterworks to establish an aerodrome undertaking and to provide and work trolley vehicles to confer further powers upon them with respect to their water light railways gas and electricity undertakings to make better provision for the health local government and finance of the borough and for other purposes. A.D. 1931.

[8th July 1931.]

WHEREAS the borough of Doncaster (in this Act referred to as "the borough") is a county borough within the meaning of the Local Government Act 1888 and is subject to the jurisdiction of the mayor aldermen and burgesses of the borough (in this Act referred to as "the Corporation") who are the urban sanitary authority for the borough:

And whereas it is expedient that the supplies of water at present available to the Corporation should be increased and that the Corporation should be empowered to make and maintain the new waterworks in this Act mentioned and that the further powers in this Act contained should be conferred upon them in relation to their water undertaking:

And whereas it is expedient that the Corporation should establish an aerodrome and works and conveniences connected therewith and should be empowered to acquire lands for those purposes:

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And whereas the Corporation are the owners of a system of light railways and trolley vehicles within and outside the borough and it is expedient that they should be empowered to substitute a trolley vehicle system on the route of certain of their light railways as by this Act provided and that the other powers in this Act contained with reference to their light railways undertaking should be conferred :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their gas and electricity undertakings :

And whereas it is expedient that further and better provision should be made with reference to streets and buildings and sanitary matters and otherwise for the local government health improvement and finance of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended :

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are authorised by this Act to borrow money and such estimates are as follows (that is to say) :—

For the purchase of lands and easements for and for the construction of the waterworks by this Act authorised - - - - -	£ 23,500
For the provision of water softening plant - - - - -	8,500
For the purchase of lands and easements for and for the purposes of the aerodrome undertaking by this Act authorised - - - -	120,000
For the provision of and equipment for trolley vehicles - - - - -	30,150

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

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

And whereas plans and sections showing the lines situations and levels of the works authorised by this

Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the county council for the west riding of the county of York and the town clerk of the borough respectively which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Doncaster Corporation Act 1931. Short title.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Water.

Part III.—Aerodrome undertaking.

Part IV.—Lands.

Part V.—Trolley vehicles &c.

Part VI.—Gas.

Part VII.—Electricity.

Part VIII.—Streets and buildings.

Part IX.—Town planning.

Part X.—Infectious disease and sanitary provisions.

Part XI.—Human food.

Part XII.—Police provisions.

Part XIII.—Finance.

Part XIV.—Miscellaneous.

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Incorporation of Acts.

3. The following enactments (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) :—

(1) The Lands Clauses Acts with the following exception and modification :—

(a) section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(b) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The Waterworks Clauses Acts 1847 and 1863 except—

(a) the words “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” in section 44 of the Waterworks Clauses Act 1847;

(b) sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts.

Interpretation.

4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act have in relation to the relative subject-matter the same respective meanings And in this Act—

“ The borough ” means the borough of Doncaster;

“ The Corporation ” means the mayor aldermen and burgesses of the borough;

“ The council ” means the council of the borough;

“ The Minister ” means the Minister of Health;

“ The town clerk ” “ the treasurer ” “ the medical officer ” “ the surveyor ” and “ the sanitary inspector ” mean respectively the town clerk

the treasurer the medical officer of health the surveyor and any sanitary inspector of the borough and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officers;

- “The Order of 1899” means the Doncaster Corporation Light Railways Order 1899;
- “The Act of 1904” means the Doncaster Corporation Act 1904;
- “The Order of 1914” means the Doncaster Corporation Light Railways (Extensions) Order 1914;
- “The Act of 1915” means the Doncaster Corporation Act 1915;
- “The Act of 1922” means the Doncaster Corporation Act 1922;
- “The Act of 1926” means the Doncaster Corporation Act 1926;
- “The Lands Clauses Acts” means those Acts and the Acquisition of Land (Assessment of Compensation) Act 1919;
- “The arbitrator” means the arbitrator to whom any question of disputed compensation is referred under the provisions of this Act;
- “Telegraphic line” has the same meaning as in the Telegraph Act 1878;
- “The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;
- “The water undertaking” means the water undertaking of the Corporation as from time to time authorised;
- “The water limits” means the limits within which the Corporation are from time to time authorised to supply water;
- “The aerodrome undertaking” means the aerodrome undertaking of the Corporation as from time to time authorised including any subsidiary business connected therewith;

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“The light railways undertaking” means and includes the light railways trolley vehicle and omnibus undertakings of the Corporation as from time to time authorised;

“Trolley vehicle” means a mechanically propelled vehicle adapted for use without rails upon roads and moved by electrical power transmitted thereto from some external source;

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

“Road authority” means with reference to any road or part of a road over which any proposed trolley vehicle service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

“The gas undertaking” means the gas undertaking of the Corporation as from time to time authorised;

“The gas limits” means the limits within which the Corporation are from time to time authorised to supply gas;

“The electricity undertaking” means the electricity undertaking of the Corporation as from time to time authorised;

“The electricity limits” means the limits within which the Corporation are from time to time authorised to supply electricity;

“Railway company” includes any committee of railway companies;

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

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

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the borough;

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

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

PART II.

WATER.

5. Subject to the provisions of this Act the Corporation may in the parish of Cantley in the rural district of Doncaster in the west riding of the county of York make and maintain in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say) :—

Power to make water-works.

Work No. 1 A borehole and pumping station situate in the enclosure numbered 623 on the 1/2500 Ordnance map of the parish of Cantley (sheets CCLXXVII-16 and CCLXXXV-4 edition 1930) lying to the south-east of Thornham Farmhouse;

Work No. 2 An aqueduct conduit or lines of pipes commencing at the borehole and pumping station (Work No. 1) and terminating by a junction with the existing main of the Corporation at the junction of Common Lane with Nutwell Lane.

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Subsidiary
works.

6. In addition to the foregoing works the Corporation may upon any lands delineated on the deposited plans make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to any of the works authorised by this Part of this Act but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of
deviation.

7. 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 highway no such limits are shown the boundaries of such highway shall be deemed to be such limits and subject as hereinafter provided the Corporation may also deviate vertically from the levels shown on the deposited sections in the case of Work No. 1 to any extent upwards or downwards and in the case of Work No. 2 to any extent not exceeding five feet upwards and to any extent downwards Provided that except for the purpose of crossing over a stream or drain no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to
take waters.

8. Subject to the provisions of this Act the Corporation may pump collect impound take use divert and appropriate for the purposes of the water undertaking all underground streams springs and waters which will or may be taken or intercepted by means of any of the works authorised by this Part of this Act.

Period for
completion
of works.

9. If the works by this Part of this Act authorised and delineated on the deposited plans and sections are not completed within a period of ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant as and when occasion may require.

10.—(1) If at any time after the completion of the borehole and pumping station by this Act authorised it shall be proved by the owner of any well which is situate within a radius of one mile from the said borehole and pumping station and which is used at the passing of this Act as an effective source of supply (in this section referred to as "the owner") that the pumping by the Corporation at that station has caused a diminution or cesser of the supply of water in such well the Corporation shall upon the written request of such owner afford to him a supply of water equal to the amount of such diminution or to the supply which shall have ceased (as proved) at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall not be more after than before the construction of the said borehole and pumping station and upon such other terms as may be agreed or failing agreement may be settled by arbitration as in this section provided.

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—
For protec-
tion of
existing
wells.

(2) Provided that—

- (a) the Corporation shall not be under any obligation to give a supply of water for domestic purposes under this section in respect of any well the water from which is or was before the diminution or cesser of supply so polluted as to be or to be likely to be injurious or dangerous to health;
- (b) the Corporation shall not be liable in respect of any claim made by the owner under this section if such owner shall have failed to afford to the Corporation and their officers servants and other representatives at all reasonable times after the passing of this Act access to the well in respect of which the claim is made and facilities for ascertaining particulars thereof and the level and quantity of the water therein; and
- (c) the Corporation shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(3) All mains pipes meters and fittings required for the purpose of supplying water to any owner in

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pursuance of this section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Corporation and the owner shall afford to the Corporation all reasonable or necessary facilities for these purposes but all such fittings which shall be placed or fixed upon the land or premises of any owner shall be repaired maintained and (when necessary) renewed and made good by such owner to the satisfaction of the Corporation.

(4) The Corporation may if they think fit in lieu of affording a supply of water equal to the diminution of the supply or the supply which shall have ceased as aforesaid in any such well deepen such well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution or cesser and the owner shall without making any charge therefor give to the Corporation access and every facility for carrying out such deepenings borings or headings.

(5) The Corporation may if they think fit in lieu of affording a supply equal to the diminution or the supply which shall have ceased as aforesaid make compensation in money to any such owner for such diminution or cesser of supply and they shall also make like compensation for any injury caused to such owner by the powers conferred by the last preceding subsection and the amount of such compensation shall be settled in case of difference by arbitration as in this section provided.

(6) Any question which may arise between the Corporation and any owner as to the quantity time place or manner of the supply to be afforded by the Corporation in pursuance of this section and any other question dispute or difference which may arise between the Corporation and the owner under the foregoing provisions of this section shall be referred to the arbitration of a single arbitrator appointed unless otherwise agreed by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 and any statutory modification thereof shall apply to any such arbitration.

(7) The Corporation and the owner may enter into and fulfil agreements with reference to the supply of water by the Corporation to such owner or with reference to any matter referred to in this section and may by

any such agreement alter or modify any of the provisions of this section so far as they relate to such owner.

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(8) In this section the expression "owner" shall include any lessee or occupier.

11.—(1) The Corporation during the execution of the works authorised by this Part of this Act may break up and also temporarily stop up and interfere with any street for the purpose of executing such works and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any house in the street from passing along and using the same.

Temporary stoppage of streets.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or returning from any such house and for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of a railway company.

12. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets of the aqueduct conduit or lines of pipes authorised by this Part of this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to construct lay down or erect for the purposes of the water undertaking :

Application of Waterworks Clauses Act 1847.

Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected by the Corporation under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

13.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are from time to time empowered to take the Corporation may by agreement purchase take on lease or otherwise acquire any lands

Power to hold lands and exercise powers for protection of waters.

A.D. 1931. easements or rights and may hold such lands and any other lands which they may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes :

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Corporation.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are from time to time empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes :

Provided that the exercise of such powers in relation to any county road shall be subject to the provisions of section 54 (For protection of West Riding County Council) of the Act of 1904 which section shall be read and have effect as if the expression "county road" were used therein instead of "main road."

(3) The Corporation shall not allow any water diverted under the powers of this section to be discharged into any drain or watercourse under the jurisdiction of a land drainage authority without the consent of that authority which consent shall not be unreasonably withheld but may be given subject to such conditions as the authority may reasonably prescribe.

Revision of
water
charges.

14.—(1) At any time after the passing of this Act on the application of the Corporation or of any local authority having jurisdiction within the water limits

the Minister by order may vary by way either of increase or decrease all or any of the maximum rates and charges for the supply of water authorised by the Acts and Orders relating to the water undertaking and the basis on which such rates and charges may be reckoned.

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(2) The rates and charges from time to time prescribed shall be sufficient so far as can be estimated to enable the water undertaking to be carried on without loss after providing such sum as the Minister may consider reasonable as a contribution towards the reserve fund of the water undertaking so long as such fund does not amount to the maximum for the time being prescribed therefor.

(3) In the absence of exceptional circumstances the Minister shall not vary any of the said rates and charges at less intervals than five years.

15.—(1) The Corporation shall not be bound to supply with water otherwise than by measure—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any workhouse hospital or asylum (whether public or private) sanatorium nursing home school or similar institution club hotel restaurant public-house inn common lodging-house or public assembly hall; or
- (c) any boarding-house lodging-house or public institution capable of accommodating twelve or more persons including the persons usually resident therein;

Supplies
to houses
partly used
for trade &c.

but shall if so required by the owner or occupier of any such premises as aforesaid furnish a supply of water by measure in accordance with the provisions of this section.

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

(3) The amount to be paid for a supply of water under the provisions of this section exclusive of meter

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(4) Section 20 (Supply to houses partly used for trade) of the Act of 1915 is hereby repealed.

Charges for supplies for motor cars and certain apparatus.

16.—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if a hosepipe or other similar apparatus be used charge (except where the water so used is taken by measure) such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first Any sums chargeable under this subsection shall be paid quarterly in advance and be in addition to the rates for the time being authorised by or under the Acts and Orders relating to the Corporation for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(2) Where a person who takes a supply of water from the Corporation for any purpose desires to use the water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water (other than apparatus for the purpose of softening water to be used for domestic purposes) the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall—

(a) be taken by measure on the conditions and at the rates for the time being in force for the supply of water by measure and if the person only takes a supply for domestic purposes the minimum quarterly charge for the water so taken by measure shall be ten shillings; or

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

(3) Section 21 (As to supply of water to motor cars &c.) of the Act of 1915 is hereby repealed. A.D. 1931.

17. Article 5 (Supply of water to parishes in the rural district) of the Doncaster Order 1921 shall be read and have effect as if "ten per cent." were inserted in paragraph (b) of subarticle (2) of that article in lieu of "twenty-five per cent." Amendment of Doncaster Order 1921.

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

19. Where two or more houses or buildings or parts of a house or building or of two or more houses or buildings connected by any means of communication not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of the water rate chargeable by the Corporation in respect of any supply of water for domestic purposes furnished by the Corporation to any one or more of such two or more houses or buildings or such two or more parts of a house or building or of two or more houses or buildings to be one tenement having a net annual value equal to the aggregate of the net annual values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied. Water rate in case of two or more houses in one occupation.

20.—(1) Notwithstanding anything in any Act or Order relating to the Corporation a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take such supply by measure or on such terms as he and the Corporation shall agree and unless he has secured to the reasonable satisfaction Special terms for supplies to caravans &c.

A.D. 1931. — of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) Notwithstanding anything in this section or any other provisions of or incorporated with this Act the Corporation shall not (unless required so to do by the Minister) supply water to any caravan shack hut tent or other like structure situate in a district outside the borough if the local authority for that district objects to the supply being given.

As to streets and roads forming boundary of water limits.

21. Where the water limits are bounded by or abut upon any street or road outside such limits the Corporation may for the purpose of supplying water to the owner or occupier of any premises abutting upon such street or road and being within such limits exercise with respect to such street or road the like powers of breaking up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets or roads within the water limits and subject to the like conditions and the owner or occupier of any such premises may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Corporation and his premises and of opening or breaking up so much of the pavement of the street and any sewer or drain therein as shall be between such main or pipe and his premises as if such street or road were within the water limits. Provided that nothing in this section shall entitle or require the Corporation to supply water to the owner or occupier of any premises abutting upon any such street or road as aforesaid and being outside the water limits.

Stopcocks to be fitted in communication pipes.

22. In the case of all new buildings erected after the passing of this Act within the water limits and connected with the mains of the Corporation the Corporation may in cases where the communication pipes are laid by the owner or by the Corporation at his request require the owner at the time when the pipes are laid to insert or to have inserted a stopcock in the communication pipe from the said premises in

some position as near as is reasonably possible to the main of the Corporation from which the supply is given to the said premises and if such owner make default the Corporation may insert a stopcock in such communication pipe and recover the expense from the owner in the same manner as water rates are recoverable by the Corporation.

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23. If the owner of any house supplied with water by the Corporation when so required in pursuance of section 24 (Corporation not bound to supply several houses by one pipe) of the Act of 1915 fail within a period of three months after the receipt of such requirement to provide a separate pipe from the main into such house the Corporation may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

As to
provision of
separate
pipe.

24. The Corporation may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the service reservoir or tank from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of forty-eight hours and the Corporation shall not be bound to supply such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Cisterns
to be
provided
for high
level
supplies.

25. The Corporation by their agents or workmen after forty-eight hours' notice in writing under the hand of the town clerk to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal :

Power to
remove
meters and
fittings.

Provided that the Corporation shall not without the previous consent of a railway company exercise the

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powers of this section in respect of any property belonging to such railway company and used for the purposes of their undertaking but such consent shall not be unreasonably withheld.

As to
register of
meter.

26.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate rent or charge is charged and sought to be recovered by the Corporation. Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Corporation.

(3) Section 25 (Register of meter to be evidence) of the Act of 1915 is hereby repealed.

Testing and
stamping of
fittings.

27.—(1) The power of making byelaws conferred by section 35 (Byelaws for preventing waste &c. of water) of the Act of 1922 shall extend to enable the Corporation to make byelaws as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Any person who shall forge or counterfeit any stamp or mark used by the Corporation or by the authority of the Corporation for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be

forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

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

Extension of power to inspect premises.

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

29.—(1) The Corporation may subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes with the written consent of the local authority and road authority construct place fix and maintain in or under any street within the water limits tanks or other receptacles for water for use by the users of mechanically propelled vehicles with all necessary or convenient apparatus and appliances (including covers or boxes and pillars or standpipes projecting above the level of the surface of the street) for taking or using water from such tanks or receptacles :

Power to provide water tanks under streets.

Provided that the Corporation shall not under the powers of this section construct or place any such tank or receptacle as aforesaid on any county bridge or the approaches thereto.

(2) The Corporation may make and recover such charges as they may think fit for any water so taken or used and make regulations as to the taking or use of such water and the issuing of permits for such taking or use and the mode of payment of the charges of the Corporation therefor.

(3) If any person shall take or use any water from any such tank or receptacle as aforesaid without being duly authorised so to do by the Corporation he shall

A.D. 1931. — be deemed to have committed an offence under section 59 of the Waterworks Clauses Act 1847.

(4) The Corporation may attach to any lamp-post pole or standard or other similar erection erected on or in any street under or near to which any such tank or other receptacle is constructed or placed signs or directions indicating the position of such tank or other receptacle and the means by which water may be obtained from the same and may in any such street as aforesaid erect place fix and maintain posts or poles for carrying such signs or directions :

Provided that—

- (a) the Corporation shall not erect place fix or maintain any such posts or poles in any part of the highway without the written consent of the local authority and road authority ;
- (b) the Corporation shall give notice in writing to the owner of such lamp-post pole standard or similar erection of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Corporation shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment ;
- (c) the Corporation shall not attach any signs or directions to any post pole or standard belonging to the Postmaster-General except with his consent in writing ;
- (d) the Corporation shall not attach any such signs or directions to any lamp-post pole standard or similar erection belonging to the Yorkshire Electric Power Company except with the consent of that company in writing or belonging to Electrical Distribution of Yorkshire Limited except with the consent of that company in writing ;
- (e) the Corporation shall not attach any such sign or direction to any guide or road sign post direction arm or similar erection provided

or maintained by any highway authority without the written consent of such authority; A.D. 1931.

(f) nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(5) The Corporation shall not under the powers of this section construct place or fix any such tank or receptacle or any appliances in connection therewith in any street belonging to a railway company on any bridge or the approaches thereto carrying any street or road over the railway of such company or under any bridge carrying any such railway over any street or road within ten feet of any abutment of such bridge or so as to interfere with or render less convenient the access to or exit from any station or depot of such company nor shall the Corporation attach any signs or directions to any lamp-post standard or similar erection belonging to such company except with their consent.

30. The Corporation may enter into and carry into effect agreements with any local authority company body or person supplying water under parliamentary authority for the purchase of water in bulk by the Corporation for such price and on such terms and conditions as may be agreed upon and either in perpetuity or for such period as may be agreed upon and any water so purchased may be used by the Corporation for the purposes of the water undertaking and for the purpose of taking any supply of water so purchased the Corporation may have and shall be entitled to exercise and enjoy outside the water limits all the rights powers and authorities conferred by the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purposes of laying pipes and the said provisions shall apply to so much of any street or road outside the water limits as the Corporation shall require to break up for the purposes aforesaid as if the same were streets or roads within such limits:

Provided that the exercise of such powers in relation to any county road or any bridge repairable by the county council of the west riding of Yorkshire shall be subject to the provisions of section 54 (For protection of West Riding County Council) of the Act of 1904 which

A.D. 1931. — section shall be read and have effect as if the expression "county road" were used therein instead of "main road."

Guarantees
by local
authorities.

31.—(1) The council of any urban or rural district in whole or in part within the water limits may give and enter into a guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any main pipe or works for the supply of water within any part of such district.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Corporation under this section.

(3) Subject to the provisions of the Local Government Act 1929 any expenses incurred by a rural district council in pursuance of this section shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

Prohibiting
bathing and
boating in
reservoirs
of Corpora-
tion.

32.—(1) No person shall bathe or wash any part of his person or any article or thing or commit any nuisance in any reservoir of the Corporation or except with the consent of the Corporation use any boat upon any such reservoir.

(2) Any person offending against the provisions of this section shall on summary conviction be liable to a penalty not exceeding five pounds.

For pro-
tection of
London
and North
Eastern
Railway
Company
and South
Yorkshire
Joint Line
Committee.

33. The provisions of section 10 of the Doncaster Order 1921 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 7) Act 1921 shall so far as applicable apply to any works executed by the Corporation under the powers of the sections of this Act of which the marginal notes are "Application of Waterworks Clauses Act 1847" "Power to hold lands and exercise powers for protection of waters" and "Purchase of water in bulk" so far as the same may be

constructed across under or over the railways of the London and North Eastern Railway Company or the South Yorkshire Joint Line Committee and as if the expressions "the committee" and "the authorised works" were used in that section respectively meant the said company or committee as the case may be and any such works as aforesaid.

PART III.

AERODROME UNDERTAKING.

34.—The Corporation may for the purposes of the aerodrome undertaking enter upon take and use all or any of the lands hereinafter described which are delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to acquire lands for aerodrome undertaking.

- (a) Certain lands in the borough and the parish of Cantley in the rural district of Doncaster in the west riding of the county of York bounded by a line commencing in the borough at the west corner of the enclosure numbered 291 on the 1/2500 Ordnance map of the parish of Doncaster (sheet CCLXXXV-1 edition 1930) passing thence along the northern boundary of that enclosure and along the eastern boundary of the enclosure numbered 341 on the said map across Lady Bank Drain and along the western boundary of the enclosure numbered 345 on the said map to a point east of the south end of Childers Street thence in an easterly direction across the allotment gardens and sewage pumping station of the Corporation to the north-west corner of Low Pasture thence along the northern boundary of Low Pasture and across the enclosures numbered 241 and 244 on the said map (sheet CCLXXXV-2 edition 1930) to a point in the greensward adjoining the south-west side of the Great North Road 175 yards north-west of Neatherds House thence along the south-west side of the said greensward to the east corner of Low Pasture thence for a distance of 410 yards along the south-east side of Low Pasture thence in the parish of Cantley in a south-easterly direction to the South Yorkshire Joint Railway thence for a

A.D. 1931.
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distance of 873 yards along the western boundary of that railway thence in a westerly direction to the east corner of the enclosure numbered 232 in the parish of Doncaster on the said map (sheet CCLXXXV-6 edition 1930) thence along the south-eastern boundary of that enclosure to the road known as Black Bank thence along the north-eastern side of that road to the point of commencement hereinbefore described;

- (b) Certain lands in the said parish of Cantley being a strip of land adjoining and on both sides of the eastern boundary fence of the South Yorkshire Joint Railway and extending from the north side of the London and North Eastern Railway (London and York Main Line) to the south side of the Great North Road Provided that the Corporation shall not acquire any interest in any part of the last-mentioned lands belonging to the South Yorkshire Joint Line Committee without the consent in writing of that committee.

Power to
establish
aerodrome.

35.—(1) The Corporation may upon the lands firstly described in the section of this Act of which the marginal note is "Power to acquire lands for aerodrome undertaking" or some part thereof establish an undertaking comprising an aerodrome and works together with all proper and convenient hangars garages repair shops buildings refreshment-rooms offices approach roads footpaths works conveniences and equipment connected therewith and may carry on in connection therewith any subsidiary business certified by the Air Council to be ancillary to the carrying on of an aerodrome :

Provided always that no part of the said lands shall be used for the purposes of aviation under this section unless and until the portion of the electric power line referred to in the section of this Act of which the marginal note is "Power to lay electric cables and removal of existing standards and apparatus" shall have been diverted to a position underground.

(2) The Corporation may carry on maintain and manage the aerodrome undertaking and may make such charges in respect thereof as they may think fit

and may grant a lease of or let the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit :

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Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Secretary of State for Air.

(3) The aerodrome undertaking shall be in the same relation to the Air Council and the Secretary of State for Air and subject to the like control by them under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if this Act had not been passed.

36. If any work required in connection with the establishment and laying out of the aerodrome involves or is likely to involve the placing underground or deviation of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply to any such placing underground or deviation.

Placing
under-
ground of
telegraphic
lines of
Post-
master-
General.

37.—(1) For the purpose of diverting to a position underground the portion of the electric power line of the Doncaster Collieries Association Limited from Yorkshire Main Colliery to Markham Main Colliery which extends from the north side of the London and North Eastern Railway (London to York main line) to the south side of the Great North Road the Corporation may in and upon the lands secondly described in the section of this Act of which the marginal note is " Power to acquire lands for aerodrome undertaking " construct and lay electric cables mains and other works and apparatus and the owners for the time being of the said electric cables mains and other works and apparatus may renew repair inspect test use and work the same Provided that the powers of this subsection shall not be exercised on or in relation to any property of the South Yorkshire Joint Line Committee without the consent in writing of that committee.

Power to
lay electric
cables and
removal of
existing
standards
and
apparatus.

(2) The electric cables mains and other works and apparatus laid in and upon the said lands shall when completed vest in the Doncaster Collieries Association Limited who shall forthwith connect the same with their said existing electric power line and cut off

A.D. 1931. — the said portion of the electric power line and there-upon all the existing standards electric cables and other works and apparatus which will be rendered unnecessary by the works and apparatus laid under the powers of this section shall become the property of the Corporation who may at any time thereafter without making any payment or compensation therefor or in respect thereof enter upon the lands in and upon which the said existing works and apparatus are situate and take down and remove and sell and dispose of the same.

(3) All the provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1928 shall so far as applicable extend and apply to the construction laying using and working of any works and apparatus under the provisions of this section.

Byelaws.

38. The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith and the provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this section except that as regards the confirmation of byelaws relating to the aerodrome and inquiries in relation thereto the Secretary of State for Air shall be substituted for the Minister.

Revenue
and
accounts of
aerodrome
under-
taking.

39.—(1) All money received by the Corporation on account of the revenue of the aerodrome undertaking shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of that undertaking shall be paid out of that fund.

(2) The Corporation may (if they think fit) apply money received by them on account of the revenue of the aerodrome undertaking in the construction renewal extension and improvement thereof in the provision of working capital for such undertaking or in the formation of a reserve fund.

(3) The Corporation shall keep their accounts in respect of the aerodrome undertaking so as to distinguish capital from revenue and as to revenue so

A.D. 1931.

as to show under a separate heading or division on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as to show in each case the amounts expended in respect of each of the following purposes (that is to say) :—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed and applied by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed and applied for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to the reserve fund to be formed as hereinafter provided.

(4) The Corporation may (if they think fit) provide a reserve fund in respect of the aerodrome undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-fifth of the aggregate capital expended for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension of the said works or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

Resort may be had to the reserve fund under the foregoing provisions although such fund may not at

A.D. 1931. — the time have reached or may have been reduced below the prescribed maximum.

As to right of support.

40. Nothing in this Part of this Act shall confer upon the Corporation any greater right of vertical or lateral support than they would have been entitled to had the aerodrome undertaking been established under the Air Navigation Act 1920.

Provisions as to Childers and Lady Bank drains.

41.—(1) Before commencing to exercise the powers of the section of this Act of which the marginal note is "Power to establish aerodrome" over or in respect of any portion of the Childers Drain and Lady Bank Drain or the sites thereof respectively the Corporation shall purchase and acquire and the trustees for draining and preserving lands in the parishes of Doncaster Cantley Rossington and Wadworth in the west riding of the county of York (commonly known as the Potteric Carr Trustees and in this section referred to as "the trustees") acting under the authority of the Act 5 Geo. III cap. 40 (in this section referred to as "the Act of 1765") shall and they are hereby empowered to sell the portions of the said drains and of the sites thereof within the limits of lands to be acquired shown on the deposited plans but not the mines or minerals lying under the said sites which shall be reserved to the trustees upon such terms and conditions as may have been agreed between the Corporation and the trustees prior to the passing of this Act.

(2) From and after the completion of the purchase and acquisition by the Corporation of the said portions of the said drains the Corporation may notwithstanding anything contained in the Act of 1765 or any award made thereunder culvert cover over fill in or otherwise interfere with the said portions of drains in such manner as may be necessary for the purpose of the aerodrome undertaking making all necessary provision for the diversion of the waters for dealing with which the said portions of the said drains were constructed.

(3) As from the completion of the said purchase and acquisition the Corporation shall indemnify and keep indemnified the trustees from and against all claims and demands arising out of any rights or alleged rights of any person or persons under the Act of 1765 or otherwise to require that waters from any of their lands

or grounds be permitted to issue into or through the said drains or either of them by reason of the Corporation culverting covering over filling in or otherwise interfering with the said drains or either of them or interfering with the flow of water into or through the same or arising out of the acquisition by the Corporation under the powers of this section of so much of the Childers Drain and the Lady Bank Drain as aforesaid and the sites thereof and from and against all damages costs and expenses arising out of any such claims or demands.

A.D. 1931

PART IV.

LANDS.

42. The powers granted by this Act for the compulsory purchase of lands shall cease on the first day of October one thousand nine hundred and thirty-four.

Period for compulsory purchase of lands.

43. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the borough for the correction thereof and if it appear to the justices hearing the application that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the county council for the west riding of the county of York and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

Correction of errors in deposited plans and book of reference.

44.—(1) The Corporation may stop up any footpath situate upon any of the lands shown on the deposited plans and referred to in the section of this Act of which

Power to stop up footpath.

A.D. 1931.

the marginal note is "Power to acquire lands for aerodrome undertaking" when the lands on both sides of any such footpath have been acquired by the Corporation and thereupon all rights of way over and along the same shall be extinguished.

(2) The Corporation may appropriate and use for the purposes of the aerodrome undertaking the site of the portion of footpath stopped up as far as the same is bounded on both sides by land of the Corporation and the site of such footpath shall be vested in them.

(3) The Corporation shall make full compensation to all parties interested in respect of any such rights (being private rights of way) and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

As to private rights of way over lands taken compulsorily.

45. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Compulsory easements over certain drains and for laying electric cables.

46.—(1) Notwithstanding anything contained in this Act or in any Act wholly or partly incorporated herewith the Corporation shall not be required to purchase or take the lands secondly described in the section of this Act of which the marginal note is "Power to acquire lands for aerodrome undertaking" or any part of the surface thereof but they may purchase and take and the owners of and other persons interested therein shall sell such easements and rights in and under the same as the Corporation may require for the purposes of subsection (1) of the section of this Act of which the marginal note is "Power to lay electric cables and removal of existing standards and apparatus" Provided that the Corporation shall not acquire any interest in any part of the said lands belonging to the South Yorkshire Joint Line Committee without the consent in writing of that committee.

(2) The Corporation may give notice to treat in respect of any such easements and rights as aforesaid describing the nature thereof and (subject to the foregoing

provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts except that no such easement or right shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

A.D. 1931.

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47. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to certain persons to grant easements &c. by agreement.

48. In settling any question of disputed purchase money or compensation for lands acquired by the Corporation under the powers of this Act the arbitrator shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and thirty if in the opinion of the arbitrator the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the arbitrator was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Corporation of such lands.

Compensation in case of recently altered buildings.

49. The Corporation and their surveyors officers contractors and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands

Power to Corporation to enter upon property for survey and valuation.

A.D. 1931. — by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Further powers of entry.

50. At any time after notice to treat has been served for any land which the Corporation are by this Act authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses (Consolidation) Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

PART V.

TROLLEY VEHICLES &C.

Further power to use trolley vehicles.

51.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may work and use the same upon the following routes in addition to any routes upon which they are already authorised to use trolley vehicles (that is to say) :—

Route No. 1 In the borough and in the parish of Warmsworth in the rural district of Doncaster from the existing trolley vehicle route to Hexthorpe at the junction of Saint Sepulchre Gate with the approach to Nine Arch Bridge along Saint Sepulchre Gate Balby Road High Road to the junction of Mill Lane with the Doncaster and Tinsley county road being an existing light railway route of the Corporation;

Route No. 1A In the borough from High Road along Cross Street Oliver Road Woodfield Lane and Low Road to its junction with Cross Street;

Route No. 1B In the borough from the Don- A.D. 1931.
caster and Tinsley county road along Austen
Avenue to its junction with Cedar Road;

Route No. 2 In the parishes of Warmsworth and
Edlington in the rural district of Doncaster
from the junction of Mill Lane with the Don-
caster and Tinsley county road along the
Doncaster and Tinsley county road and Ed-
lington Lane to its junction with Broomhouse
Lane;

and with the consent of the Minister of Transport along
any other street or road which the Corporation think it
necessary or convenient to use for the purpose of
providing a turning point or of connecting trolley vehicle
routes or of obtaining access thereto from any depot
garage building or work of the Corporation.

(2) Before equipping any trolley vehicle route to
include a turning point or before arranging for a new
turning point on any route the Corporation shall submit
plans of the turning point to the Minister of Transport
for approval and shall also in the case of so much of
any trolley vehicle route as is outside the borough
submit a copy of such plans to the road authority.
Before approving any such last-mentioned plans the
said Minister shall give to the road authority an
opportunity of making representations with reference
thereto and shall consider any such representations
which may be made to him.

(3) The Corporation may also adapt and use for
the purpose of working trolley vehicles under or in
pursuance of the powers of this Act any apparatus and
equipment provided by them for working light railways.

(4) Notwithstanding anything contained in sec-
tion 46 (Service of cars) of the Order of 1899 the Cor-
poration shall not be required to provide a service
of cars upon the route of any of their light railways
along which a service of trolley vehicles is provided
by the Corporation under the provisions of this Act
so long as such service of trolley vehicles continues to
be so provided.

(5) Nothing in this section shall relieve the
Corporation of any liability imposed upon them by or
in pursuance of section 67 (Railways to be removed
in certain cases) of the Order of 1899.

A.D. 1931.

Application
of existing
enactments
to trolley
vehicles.

52. The following provisions of the Act of 1926 shall so far as the same are applicable apply to the trolley vehicles authorised by this Act as if they had been re-enacted herein:—

- Section 21 (Exclusive right of using apparatus for working trolley vehicles);
- Section 22 (Approval of vehicles by Minister of Transport);
- Section 23 (Duties on licences for trolley vehicles);
- Subsection (2) of section 24 (Vehicles not to be deemed light locomotives or motor cars);
- Section 25 (Application of section 48 of Tramways Act 1870 to trolley vehicles);
- Section 26 (Application of existing enactments to trolley vehicles);
- Section 27 (As to abandonment of light railways);
- Section 29 (Attachment of brackets to buildings);
- Section 30 (For protection of London and North Eastern Railway Company);
- Section 31 (For protection of county council);
- Section 32 (Traffic in trolley vehicles);
- Section 33 (Passengers' fares);
- Section 34 (Cheap fares for labouring classes);
- Section 35 (Passengers' luggage);
- Section 36 (Charges for parcels);
- Section 37 (Periodical revision of fares and charges);
- Section 39 (Conveyance of mails);
- Section 41 (Light railway regulations to apply to trolley vehicles); and
- Section 42 (For protection of Postmaster-General):

Provided that in the said section 31 the words "county road" shall be substituted for the words "main road" and the trolley vehicle routes by this Act authorised shall be deemed to have been referred to in lieu of "trolley vehicle routes Nos. 1 and 2."

53. Subject to the provisions of this Act the trolley vehicle undertaking of the Corporation as from time to time authorised shall form part of the light railways undertaking. A.D. 1931.

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Trolley vehicles
to form part of
light railways
undertaking.

54. The Corporation may if they think fit convey on their light railways dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger.

As to
charges for
dogs on
light
railways.

55.—(1) The Corporation may for the purposes of the light railways undertaking purchase take on lease and hold (by agreement but not otherwise) in addition to the lands already forming part of that undertaking any lands and hereditaments not exceeding in the whole ten acres which the Corporation may require for the purposes of that undertaking.

Power to
purchase
lands by
agreement.

(2) Nothing in this section shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or held under the provisions of this section.

56.—(1) The Corporation may run through light railway cars trolley vehicles or public service vehicles along the whole or any part of any route on which the Corporation are for the time being authorised to run the same and such cars vehicles and public service vehicles shall be distinguished from other cars vehicles and public service vehicles in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars vehicles and public service vehicles a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such cars vehicles and public service vehicles Provided that during the running of such through cars vehicles and public service vehicles the Corporation shall maintain a reasonably sufficient ordinary service of cars vehicles or public service vehicles as the case may be.

Through
cars trolley
vehicles and
public
service
vehicles.

(2) Nothing in this section shall be in derogation of the provisions of Part IV of the Road Traffic Act 1930.

A.D. 1931.

—
Attachment
of signs
indicating
stopping
places to
lamp-posts
&c.

57.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any of their light railway trolley vehicle and public service vehicle routes signs or directions indicating the position of stopping places for light railway cars trolley vehicles and public service vehicles. Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment :

Provided also that no sign or direction shall be attached to any lamp-post pole standard or other similar erection outside the borough except with the consent of the local authority of the district which consent shall not be unreasonably withheld and any question as to whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

(2) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) Any sign erected in pursuance of this section shall be subject to any regulations applicable to any such sign made by the Minister of Transport under section 48 of the Road Traffic Act 1930.

(4) Notwithstanding anything contained in this section the Corporation shall not attach any such sign or direction to any pole post standard or other similar erection belonging to the Postmaster-General except with his consent in writing or belonging to any local or road authority (including a parish council) except with the consent of the authority in writing.

(5) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to a railway company or to the Central Electricity Board or to the Yorkshire Electric

Power Company or to Electrical Distribution of Yorkshire Limited without the consent of such company or board in writing. A.D. 1931.

58.—(1) The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or on race days or for the execution of any works by the Corporation or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the working of any light railway cars trolley vehicles and public service vehicles for the time being belonging to or worked by the Corporation shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damage in respect thereof. Power to Corporation to suspend running of cars.

(2) Nothing in this section shall be in derogation of the provisions of Part IV of the Road Traffic Act 1930.

59. If any obstruction to the traffic on any of the light railway or trolley vehicle routes of the Corporation be caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fail to do so the Corporation may so remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and may recover the reasonable cost of so doing from the owner of the vehicle. Removal of obstructions.

60. For the protection of the county council of the west riding of Yorkshire (in this section referred to as "the county council") the following provisions shall have effect (unless otherwise agreed in writing) with reference to the discontinuance of the working of the light railway in this section mentioned (that is to say) :— For protection of West Riding County Council.

(1) In this section "the railway" means the portion of the light railway of the Corporation

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situate on the Doncaster and Tinsley county road in the parish of Warmsworth "the road" means the county road aforesaid and "railway track" means so much of the road whereon the railway is laid as lies between the rails thereof and (where double lines are laid) the portion of the road between each set of rails and in every case so much of the road as extends eighteen inches beyond each outer rail :

- (2) The Corporation shall give notice to the county council of their intention to discontinue the running of cars upon the railway and of the date upon which such discontinuance shall take effect :
- (3) Within two months from the date upon which such discontinuance is to take effect the Corporation shall pay to the county council the sums ascertained as hereinafter mentioned in satisfaction of and discharge by the Corporation of their liability (upon discontinuance of the railway) respecting the removal of the railway and the restoration of the portion of the road occupied by the railway track after the removal of the rails paving setts or other surface material posts wires standards brackets cables works apparatus and equipment forming part of or provided or used in connection with the railway except so much thereof as is required by the Corporation for the working of trolley vehicles ;

The amount payable as aforesaid shall be a sum calculated at the rates hereinafter mentioned (that is to say) :—

(i) where the foundation of the railway track is defective and unsuitable for forming part of the work of reinstatement of the road the sum of seven shillings and sixpence per square yard of railway track ;

(ii) where such foundation is in sound condition and suitable for the purpose aforesaid the sum of five shillings per square yard of railway track :

- (4) Notwithstanding anything to the contrary in this Act contained the Corporation may and shall after the expiration of the said notice of discontinuance proceed at their own expense to remove the said rails paving setts or other surface material posts wires standards brackets cables works apparatus and equipment (except as aforesaid and except the foundation material of the railway track) upon receiving from the surveyor of the county council at least one month's notice in writing requiring them to do so in such sections and in such amounts as may be reasonably required from time to time by the said surveyor for the proper and reasonable conduct of the work of reconstruction of the road surface The Corporation shall proceed with the work as speedily as possible and shall until the work of removal is completed cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night and shall clear away all surplus material or rubbish occasioned by such work but the Corporation shall not commence any such work before receiving from the said surveyor the notice above mentioned but such notice shall be given within one month after the expiration of the said notice of discontinuance The rails tie bars and other apparatus and the setts or other surface material removed as aforesaid shall remain the property of the Corporation :
- (5) The county council shall and will at their own expense immediately after or at their option contemporaneously with the removal of the said rails paving setts or material posts wires standards brackets cables works apparatus and equipment from each section of the railway track proceed to reconstruct in accordance with modern methods the portion of the road forming the railway track and such reconstruction shall be proceeded with and completed with all reasonable dispatch :

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- (6) In the event of the Corporation failing to commence the said work of removal in accordance with subsection (4) of this section or to proceed with and complete such works with reasonable expedition the county council shall have the right themselves to carry out the work and the cost reasonably incurred by them in so doing shall be repaid to them by the Corporation :
- (7) Any work required for the operation of trolley vehicles shall be placed in such position as the surveyor of the county council shall reasonably approve Provided that wherever practicable such work as is placed in or on the highway shall be placed in or immediately adjoining the line of the boundary or boundary fence of the road ;
- In this subsection the expression " work " means any post standard or other work above ground required for the purpose aforesaid and includes any existing work intended to be removed to another position :
- (8) The Corporation shall not run trolley vehicles upon the road until the railway has been removed therefrom and the work of reinstatement completed in accordance with this section except with the consent of the county council which consent may be given upon such terms and conditions as they think fit Provided that nothing in this section shall prevent the Corporation from exercising their powers of running an adequate service of public service vehicles in lieu of a service of railway cars during the progress of the said work of reinstatement :
- (9) If any difference shall arise under this section between the Corporation and the county council the same shall be referred to and determined by an arbitrator to be appointed failing agreement on the application of either party by the President of the Chartered Surveyors' Institution.

PART VI.

A.D. 1931.

GAS.

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

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

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

(3) Every consumer who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (5) of this section is using high-pressure air or other gas shall within one month after that date give to the Corporation notice in writing of such use and if within one month after the giving of such notice the Corporation require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air or other gas unless before such expiration he shall have complied with the requirement.

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

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

(a) in the case of all persons who at the date of the passing of this Act are consumers of gas

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—

supplied by the Corporation on the demand notes for gas charges payable to the Corporation issued next after that date; and

(b) in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Corporation on the first of such demand notes delivered to such person after he shall become a consumer.

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

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

Additional
powers of
entry into
premises.

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

Provided that nothing contained in this subsection shall apply to any fittings or works belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house) of such company forming part of the railway premises of such company.

(2) The power to enter premises and remove pipes meters and fittings or apparatus conferred upon the

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

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(3) Where any premises which the Corporation are entitled to enter in pursuance of the said sections or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Corporation and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage and repairing all damage caused by such entry and on quitting the premises shall leave the same secure Provided that no notice under this subsection shall be necessary in cases of emergency.

(4) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said sections of the Gasworks Clauses Act 1871 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

63.—(1) If the Corporation shall at any time serve notice upon any consumer to the effect that an officer or servant of the Corporation has reported after inspection of any piping or gas consuming appliance or fitting on such consumer's premises that he is of opinion that any such piping or gas consuming appliance or fitting is in such a condition as to be dangerous either to the occupiers of the premises or to the occupiers of adjoining premises such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger If the consumer shall fail forthwith to carry out such works as aforesaid the Corporation may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Corporation shall think fit Any expenses lawfully incurred

Power to compel repairs in case of danger.

A.D. 1931. — by the Corporation in cutting off the gas from such premises may be recovered by the Corporation from such consumer summarily as a civil debt.

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

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

Offices and
showrooms.

64. The Corporation may in connection with and for the purposes of the gas undertaking provide fit up and maintain showrooms and offices and exhibit specimen installations machinery fittings and other apparatus appliances articles and things used in connection with the manufacture and consumption of gas and articles and things resulting from the manufacture of gas and give demonstrations of the uses to which gas can be put and may appoint and pay persons for the purposes aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of gas and may do all such other acts as they may deem expedient to assist develop or promote the use of gas.

Power to
take licences
for use of
patents.

65. The Corporation may (but not so as to acquire any exclusive right therein) contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein.

PART VII.

ELECTRICITY.

Supply to
premises
partly
outside
electricity
limits.

66. The Corporation may by agreement supply electrical energy to any house or building which or the curtilage of which is partly within and partly outside the electricity limits in the same manner as if such premises were wholly within such limits :

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—

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

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

Use for
lighting
purposes of
electricity
supplied for
power.

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

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

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

A.D. 1931.

As to
maximum
power which
may be
demanded.

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

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

Power to
construct
electrical
sub-stations
under
streets.

69.—(1) Subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient. Provided that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid.

(2) The Corporation shall not construct any such sub-station transforming station or work—

(a) in or upon any bridge carrying a street over a railway of a railway company or the

approaches thereto or under any bridge carrying such a railway over a street or within ten feet of any abutment of any such bridge; or

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(b) in any street belonging to or repairable by a railway company and forming the approach to any station or depot of such company; or

(c) so as to obstruct the access to or exit from any station or depot of a railway company constructed and maintained under statutory authority;

except with the consent in writing of the railway company.

70. 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 be left at or sent by post to the office of the Corporation or be given by the consumer personally at such office.

Notice to
discontinue
supply of
electricity.

71. In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it is proved to have first arisen during the then current quarter. The amount of the allowance to be made 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 in the case of a surcharge shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Period of
error in
defective
meter.

72. The Corporation for the purpose of preventing fire in or injury to any building or premises supplied with electricity by the Corporation or injury to any person may make byelaws with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section. Provided that nothing contained

Byelaws as
to apparatus
and fittings.

A.D. 1931. — in this section or in any byelaw to be made thereunder shall apply to or in respect of any building or premises (other than a dwelling-house) belonging to a railway or canal company.

Power of entry for substitution of cables &c. on change of system of supply.

73. In any case in which the change over from direct to alternating current supply necessitates the substitution of a new cable or other work situate in or upon the private property of a consumer the Corporation after giving forty-eight hours' notice in writing under the hand of the town clerk to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such cable or work is laid or fixed may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of effecting such substitution repairing all damage caused by such entry or substitution.

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

74. The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any apparatus or fitting let on hire by the Corporation or supplied by them on hire-purchase terms and which the Corporation are under obligation to maintain remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine.

Discounts for prompt payments.

75. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five per centum on all sums of money due to the Corporation for the supply of electricity from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges. Provided that the Corporation shall make the same allowance to all consumers under similar conditions.

PART VIII.

A.D. 1931.

STREETS AND BUILDINGS.

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

As to
hoardings
and similar
structures.

- (i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

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

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

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty

A.D. 1931. shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

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

As to
erection of
hoardings
&c. at street
corners.

77.—(1) Before placing or erecting any hoarding or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding or fence proposed to be so placed or erected.

(2) If the placing or erection of such hoarding or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) Any person deeming himself aggrieved by any requirement or prohibition or by the withholding of any

approval of or by the Corporation under this section may within fourteen days from the date of such requirement prohibition or refusal of approval appeal to a court of summary jurisdiction and the court shall have power to make such order as the court may think fit and to award costs. A.D. 1931.

78.—(1) The Corporation may by notice in writing require the owner of any hoarding to maintain the same in good order and condition. As to repair of hoardings &c.

(2) If any paper or other material affixed for advertising purposes to any such hoarding or to the wall of any building becomes detached the Corporation may by notice in writing require the owner of such hoarding or wall forthwith to remove and clear away such paper or other material.

(3) If any owner shall neglect or refuse to comply with any such notice the Corporation may carry out the requirements thereof and recover from the owner any expense incurred by them in so doing.

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

(2) Whenever the Corporation shall in the exercise of the powers of this section add to the carriageway any portion of the footway in or under which any apparatus of the Central Electricity Board is for the time being situate the board may where reasonably necessary either—

(a) relay the apparatus under the altered footway;
or

(b) lower such apparatus so as to provide adequate protection therefor against injury;

and the Corporation shall repay to the board the expense reasonably incurred by them in so doing.

80.—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part As to pavement lights.

A.D. 1931, — of any street any work for the admission of light through such pavement to any room or premises situate under or adjoining the same or to enlarge any such existing work (in this section referred to as "pavement lights") without the consent in writing of the Corporation.

(2) In giving their consent to the construction or enlargement of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

(3) Nothing in this section shall prejudice or affect the operation of any agreement with reference to pavement lights entered into by the Corporation prior to the passing of this Act.

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

Provision
as to fore-
courts.

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

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

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

the town clerk before lodging his appeal and the court shall have power to make such order as the court may think fit and to award costs.

A.D. 1931.

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

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

Direction
signs.

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

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

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

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

83.—(1) It shall not be lawful for any person except with the consent in writing of the Corporation to suspend or keep suspended across or hang or keep hung over the carriageway of any street any banner streamer sign or lettering for the purposes of advertisement or announcement.

Banners
and signs
across
streets.

A.D. 1931.
—

(2) If any person shall without such consent as aforesaid so suspend or keep suspended or hang or keep hung any banner streamer sign or lettering the Corporation may by notice in writing require the owner of or person responsible for the suspension or hanging of such banner streamer sign or lettering to remove the same within a specified time and in the event of his failing to do so the Corporation may themselves remove such banner streamer sign or lettering at the expense of such owner or person which expense and the expense of any proceedings with reference thereto may be recovered by the Corporation from such owner or person summarily as a civil debt. Provided that such removal by the Corporation and any proceeding with reference thereto shall not affect or relieve such owner or person from any penalty for contravention of the provisions of this section which such owner or person may have incurred or become liable for.

(3) Any person contravening the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings which penalty and daily penalty shall be without prejudice to the enforcement of compliance with the provisions of this section in any manner which would be competent by law if no such penalty were provided for.

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

(5) Any person aggrieved by any requirement of the Corporation under this section or by the withholding of consent by the Corporation under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement or of notice of the withholding of such consent 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 the court may think fit and to award costs.

(6) Notice of the right to appeal shall be endorsed on every notice of a requirement or of the withholding of consent by the Corporation under this section.

A.D. 1931.

84. The Corporation may—

(a) erect or fix police telephone call boxes and traffic signalling apparatus in such positions in any street as they think fit; and

Provision of
telephone
call boxes
&c.

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

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

Provided also that the Corporation shall not under the powers of this section erect or fix any such telephone call boxes and traffic signalling apparatus or street fire alarm—

(a) in or upon any bridge carrying a street over a railway of a railway company or the approaches thereto belonging to or repairable by them or under any bridge carrying a railway of a railway company over a street; or

(b) in any street belonging to and repairable by a railway company and forming the approach to any station or depot of a railway company; or

(c) so as to obstruct the access to or exit from any station or depot of a railway company constructed and maintained under statutory authority;

except in each case with the consent in writing of such railway company but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Minister of Transport.

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Interference
with tele-
phone call
boxes &c.

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

Extension of
section 157
of Public
Health Act
1875.

86. Section 157 of the Public Health Act 1875 in its application to the borough shall extend to empower the Corporation to make byelaws with respect to the following matters (namely):—

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space;
- (iv) the provision of walls roofs and floors of incombustible material in rooms used for the purpose of a garage in whatever premises they may be situate;
- (v) 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 or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;
- (vi) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;
- (vii) the testing of drains of new buildings;
- (viii) for requiring the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;

- (ix) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost and preventing the improper use of such closets and of the blocking of the pipes therefrom; A.D. 1931.
- (x) for requiring every person who shall erect houses tenements or flats which are to be situate over shops or other premises to make and construct a principal means of access to such houses tenements or flats (otherwise than through any such shop or other premises) of such width as may be prescribed by such byelaws; and
- (xi) for securing that any geyser or similar gas heated water apparatus of the rapid water heating type or any gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated.

87.—(1) Any person who without the consent of the Corporation causes any building to be newly erected over any drain shall be liable to a penalty of five pounds and a daily penalty of forty shillings and the Corporation may cause any building erected in contravention of this section to be altered pulled down or otherwise dealt with as they may think fit and may recover the expenses incurred by them in so doing from the offender. Prohibition
on erection
of buildings
over drains.

(2) Any person aggrieved by the withholding of consent by the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the receipt of the notice of the withholding of such consent 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 the court may think fit and to award costs.

88.—(1) If the medical officer be of opinion that any building proposed to be erected would if erected— Prevention
of obstruc-
tive build-
ings.

(a) stop ventilation or otherwise make or conduce to make other buildings in its proximity to be in a condition unfit for human habitation or dangerous or injurious to health; or

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(b) prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

he may make a representation to the Corporation to that effect stating that in his opinion it is inexpedient that the proposed building should be erected.

(2) The Corporation on receiving any such representation shall cause a report to be made to them respecting the proposed building and on receiving such report shall take into consideration the representation and report and if they decide to proceed shall cause a copy of both the representation and report to be given to the person proposing to erect the building with notice of the time and place appointed by the Corporation for the consideration thereof and such person shall be at liberty to attend and state his reasons why the building should be allowed to be erected and after hearing him the Corporation shall either allow the erection of the building or make an order directing that the proposed building shall not be erected.

(3) Any such order prohibiting the erection of an obstructive building shall be subject to appeal in like manner as a demolition order made by a local authority under Part II of the Housing Act 1930.

Dilapidated
and
neglected
buildings.

89.—(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 at his option either to take down or to repair such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

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

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

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(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 but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repair.

90.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

Provisions
as to tents
vans &c.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

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

91.—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land without the previous approval of the Corporation.

Prohibition
of tents
vans &c.

(b) It shall not be lawful for any person without the previous consent of the Corporation to let or permit

A.D. 1931. — to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate and sufficient supply of water and sanitary accommodation to the satisfaction of the Corporation.

(2) Any person aggrieved by the withholding by the Corporation of any approval or consent under the provisions of this section may within fourteen days from the date of the decision of the Corporation appeal to a court of summary jurisdiction provided that he give written notice of such appeal and of the ground thereof to the town clerk before lodging his appeal and such court may make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(3) This section shall not apply to—

(a) a tent van shed or similar structure unless it is used or intended to be used as a means of habitation for a period of at least three months; or

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

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

92.—(1) Nothing in the sections of this Act of which the marginal notes are—

Extension of section 157 of Public Health Act 1875; and

Prohibition on erection of buildings over drains; shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to a railway company in the exercise of

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

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

PART IX.

TOWN PLANNING.

93. The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the borough notwithstanding that the land in that area or any part thereof is developed at the time of the making of such scheme and the provisions of the Town Planning Act 1925 (in this Part of this Act referred to as "the Act of 1925") shall subject to the provisions of this Part of this Act apply to the making of any such scheme and to any such scheme when made.

Power to make town planning schemes with reference to developed lands.

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

Explanation of section 5 of Act of 1925.

95. The purposes for which land may be purchased under a town planning scheme made pursuant to this Part of this Act shall include the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the Corporation that there would be difficulty in securing such development or re-development in the manner provided by those provisions by reason of the land concerned being used in a manner at variance therewith or being held in parcels or plots of inconvenient size shape or arrangement :

Purposes for which land may be purchased for town planning schemes under this Part of Act.

A.D. 1931.

Provided that the Corporation shall not under a town planning scheme made in pursuance of this Part of this Act purchase otherwise than by agreement any land abutting on a new street or an existing street as proposed to be widened under such scheme for the purpose of securing the development or re-development of such land but nothing in this section shall prejudice or affect the operation of the Public Health Acts.

As to properties of which parts only are required for town planning schemes.

96.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made under section 8 of the Act of 1925 authorising the Corporation to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory in respect of which the Corporation have served upon him notice to treat for a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the arbitrator to whom any question of disputed compensation is referred under any such order (in this section referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the said specified portion of the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the Corporation have compulsory powers of purchase) can be so severed.

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

(3) If the arbitrator determine that the portion of the property specified in the notice to treat can

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

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

(5) If the arbitrator determine that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

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

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

Restriction
on rights of
purchase in
certain
cases.

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

Limitation
of require-
ments under
scheme.

98.—(1) No provisions in any such town planning scheme as aforesaid prescribing the space about buildings or limiting the number of buildings to be erected or prescribing the height or character of buildings within the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as—

- (a) to require the demolition removal or alteration of any building existing at the date of the notice convening the meeting of the council at which the draft scheme is proposed to be adopted or of which the erection was commenced before that date; or
- (b) to affect the user of any building for any purpose for which the same was used at the said date unless the person entitled to the user of the building shall after that date
 - (i) commence to use such building for any purpose other than that purpose or
 - (ii) voluntarily cease for a continuous period of six months or upwards to use such building for that purpose;

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

(2) An order under this section shall specify the period within which any building to which the same

relates is to be demolished removed or altered or any purpose for which any such building is used is to be discontinued or changed.

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

(4) Upon the submission of the order (with or without modification) to the Minister the Corporation shall serve on the said owner or owners a copy of the order as so submitted together with a notice that objections may be made to the Minister within a period of one month from the date of service of the copy of the order and notice.

(5) For the purposes of this section the word "owner" has the same meaning as in the Lands Clauses Acts.

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

Modifica-
tions of
section 10
of Act of
1925.

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

Compulsory
purchase
and
injurious
affection of
lands.

A.D. 1931.

PART X.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Extension
of definition
of infectious
disease.

101. The expression "infectious disease" where used in section 83 (Information to be furnished to medical officer) of the Act of 1915 shall include pulmonary tuberculosis in addition to the diseases to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough.

Names of
laundrymen
to be fur-
nished.

102.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

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

Supply of
antidotes
against
infectious
disease.

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

As to
defective
drains &c.

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

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by

the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

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(3) Nothing in this section shall extend to any drain watercloset or soil-pipe constructed by or belonging to or which may hereafter be constructed by or belong to any railway company for the purposes of their railway.

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

Cleansing of
dwelling-
houses in
certain
cases.

106.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

Regulation
dustbins.

(2) Every owner or occupier having provided any such dustbin whether pursuant to this section or otherwise shall maintain the same in good order and condition.

(3) The foregoing provisions of this section shall not apply to any ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are portable and of suitable material size and construction and in proper order and condition.

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

(5) The owner or occupier of all premises in connection with which a dustbin has been or may hereafter be provided shall if so required by the Corporation pay to the Corporation on each first day of April after being so required such sum not exceeding three shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such dustbin. Such payments shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance and renewal of such dustbin and shall be recoverable summarily as a civil debt.

(6) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who after providing a portable covered galvanised iron dustbin continues to use any fixed ashpit ashtub or other receptacle as a receptacle for refuse or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

(7) Section 98 (Regulation bins for refuse &c.) of the Act of 1915 is hereby repealed.

PART XI.

HUMAN FOOD.

Further powers in relation to unsound food.

107. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the

articles referred to in the said sections intended for sale or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly : A.D. 1931.
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Provided that nothing in this section shall authorise the inspection examination and search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or any basket sack bag or parcel in the possession of such company as carriers thereof.

108.—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intend to submit any sample to analysis he shall forthwith notify to the occupier of such room or his agent his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deem it right to have the sample analysed to the public analyst. As to
inspection of
premises
used for
storage of
food.

(2) The expression “public analyst” in this section means the analyst appointed by the Corporation in pursuance of section 15 of the Food and Drugs (Adulteration) Act 1928.

109.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same Penalty on
original
vendor of
unsound
food.

A.D. 1931, shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

(2) Where any animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section) the person to whom the same belongs or did belong at the time of deposit of such animal or article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said animal or article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section) is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

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

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(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

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

(4) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

111.—(1)—

(a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity; and

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

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

(2) No person shall carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises shall be used for the purposes aforesaid unless they be so registered.

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

(4) This section shall not apply to any premises licensed as a theatre or music hall.

112.—(1) The Corporation may if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice-cream or other

Registration
of ice-cream
manufac-
turers and
premises.Power to
refuse regis-
tration of or
remove from
register ice-
cream

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—
manufac-
turers and
premises.

similar commodity in relation to the quality storage or distribution of the ice-cream or other commodity serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register him or remove him from the register as the case may be either absolutely or in respect of any specified premises and if he fail to show cause to their satisfaction accordingly they may refuse to register him or remove him from the register as the case may be.

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

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

(4) The decision of the Corporation to refuse registration or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is determined and where notice of appeal from a court of summary jurisdiction under this section is given within seven days from the date thereof such decision of the Corporation as aforesaid shall not take effect until the appeal to quarter sessions is finally determined.

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

For regu-
lating manu-
facturers and
premises.

113.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used

by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings. A.D. 1931.
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(2) In the event of any person so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

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

(4) Section 88 (For regulating manufacture and sale of ice-cream &c.) of the Act of 1915 is hereby repealed.

114. Every dealer in any article intended for the food of man vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or from any market stall shall have his name As to street vendors of food.

A.D. 1931. and address legibly painted inscribed or displayed on such cart barrow vehicle or stand pail container or receptacle or clearly exhibited on such market stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings :

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

PART XII.

POLICE PROVISIONS.

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

115. From and after the passing of this Act every police constable appointed to act for the borough shall have the same power of enforcing byelaws made by the Corporation under the Public Health Acts relating to any park or place of public resort recreation ground or playing fields in the borough under the control of the Corporation as is given to the servants of the Corporation by the byelaws for the time being in force under the provisions of the said Acts.

Byelaws as to leading or driving cattle.

116. Section 23 of the Municipal Corporations Act 1882 shall extend to enable the Corporation to make byelaws in accordance with the provisions of this section for prohibiting the leading or driving of animals along such streets as may be specified in such byelaws and for prescribing the hours during which and the manner according to which animals may be led or driven along any streets :

Provided that the route or routes prohibited by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid :

Provided also that any such byelaw shall not prevent the owner of any animal driving the same to his own premises :

Provided further that no byelaw made under this section shall be of any effect if and so far as it conflicts with any direction from time to time contained in the code issued by the Minister of Transport in pursuance of section 45 of the Road Traffic Act 1930.

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

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

(2) Section 92 (Power to make regulations as to traffic on race days) of the Act of 1922 is hereby repealed.

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

Committees of council.

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

Notice of processions to be given.

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

A.D. 1931.

—

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

(3) Section 161 (Notice of processions to be given) of the Act of 1904 is hereby repealed.

Power to
stop traffic
on occasions
of emer-
gency.

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

Unautho-
rised riding
upon
vehicles.

121. If any person otherwise than with lawful authority or reasonable cause takes or retains hold of or gets on to a horse-drawn vehicle light railway carriage or trolley vehicle while in motion on any road for the purpose of being drawn or carried he shall be liable in the case of a first conviction to a penalty not exceeding five pounds and in the case of a second or subsequent conviction to a penalty not exceeding ten pounds.

Prohibition
on riding
bicycles &c.
on foot-
paths.

122. The Corporation may make byelaws prohibiting or restricting the use of any footpaths specified and defined in such byelaws by persons riding bicycles tricycles or other similar vehicles and by carts and by barrows or other similar vehicles of itinerant vendors and prohibiting or restricting the use by such persons and vehicles and by motor vehicles of the roadway extending from the Thorne main road across the Town Field to the Great North Road.

Prohibition
of vehicles
&c. on road
margins.

123. No person shall wilfully ride or drive any horse cattle or vehicle on over or across any grass gravel or other area separate from the carriageway and which is laid out or levelled and also maintained by the Corporation and is not intended for such use and any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding twenty shillings :

Provided that nothing in this section shall prevent the riding of any horse or the driving of cattle on over or across any roadside waste.

124. Any property found and handed to a police constable shall be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed by the owner within three months after the finding thereof the Corporation shall give notice in writing to the finder and if such property be not claimed by the owner or the finder within a further period of three months it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the general rate fund or otherwise disposed of as the Corporation shall determine :

A.D. 1931.

—
Lost
property.

Provided that this section shall have effect subject to any regulations made by the Minister of Transport under paragraph (j) of section 94 of the Road Traffic Act 1930.

125. A person other than an officer of the Corporation or a person or the servant of a person employed by the Corporation in or about any work in connection with the burial grounds or cemeteries belonging to the Corporation shall not except for the purpose of properly tending any grave pluck or otherwise interfere with any flower plant shrub wreath ornament or other thing on any grave in a burial ground or cemetery belonging to the Corporation and any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

As to
offences in
burial
grounds.

PART XIII.

FINANCE.

126.—(1) The Corporation may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all moneys so borrowed shall be chargeable on the revenues of the Corporation and shall be repaid within the respective periods set forth in the third column thereof and the

Power to
borrow and
repayment
of borrowed
moneys.

A.D. 1931. Corporation may apply any sum so borrowed for the said purposes respectively (that is to say) :—

Purpose.	Amount.	Period for repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite. £	Five years from the passing of this Act.
(2) For the purchase of lands and easements.	20,120	Sixty years from the date or dates of borrowing.
(3) For the construction of the water-works by this Act authorised.	23,380	Thirty years from the date or dates of borrowing.
(4) For the provision of water softening plant.	8,500	Twenty-five years from the date or dates of borrowing.
(5) For the purposes of the aerodrome undertaking other than the purchase of lands.	100,000	Thirty years from the date or dates of borrowing.
(6) For the provision of trolley vehicles	19,750	Ten years from the date or dates of borrowing.
(7) For the provision of electrical equipment for working trolley vehicles.	10,400	Twenty years from the date or dates of borrowing.

(2) The Corporation may also with the sanction of the Minister borrow such further moneys as may be necessary for any purpose of the aerodrome undertaking and any moneys borrowed under this subsection shall be repaid within such periods not exceeding sixty years as may be prescribed by the Minister and all moneys so borrowed shall be chargeable on the revenues of the Corporation.

Incorporation of financial provisions of Act of 1904.

127. The following provisions of the Act of 1904 with any necessary modifications shall so far as applicable extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act (namely) :—

Section 166 (Mode of raising money);

Section 167 (Provision as to mortgages);

Section 168 (Appointment of receiver);

Section 170 (Mode of payment off of money borrowed);

Section 171 (Sinking fund);

A.D. 1931.

Section 172 (Sinking fund may be adjusted in certain events);

Section 175 (Corporation not to regard trusts);
and

Section 181 (Application of money borrowed):

Provided that the periods for repayment referred to in the section of this Act whereof the marginal note is "Power to borrow and repayment of borrowed moneys" shall be deemed to be "the prescribed periods" for the purposes of such application of the said sections. Provided also that the said sections shall be read and have effect as if the Minister were referred to therein in lieu of the Local Government Board.

128. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made shall be defrayed out of the general rate fund and the general rate.

Expenses of execution of Act.

PART XIV.

MISCELLANEOUS.

129. The Corporation may make byelaws with respect to the management control and use of the playing fields in the Town Field and the gardens and grounds known as Beechfield in the borough and of so much as belongs to the Corporation of Sandall Beat Wood in the parish of Barnby Dun with Kirk Sandall (of both of which the Corporation are or are reputed to be the owners) and for the enforcement of such byelaws by the servants of the Corporation:

Byelaws for control of playing fields gardens &c.

Provided that as regards the said portion of Sandall Beat Wood nothing in this section shall limit or affect the powers and duties of the chief constable and the police of the county of the west riding of Yorkshire.

130.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the borough and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the

Acceptance and administration of gifts for public purposes.

A.D. 1931. — purposes of the gift are purposes for which the Corporation are empowered to expend money raised from the local rate they may subject to any condition or restriction attaching to such power expend money so raised in the execution of such works in relation to the subject-matter of the trust.

(2) This section shall not extend to property relating to affairs of the Church within the meaning of the Local Government Act 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) Accounts of the income and expenditure of the Corporation under this section shall be kept by the treasurer and shall be made up and audited as part of the general accounts of the Corporation.

General provisions as to byelaws.

131. Except where otherwise provided by this Act all byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions contained in sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority except that as regards confirmation of byelaws under the section of this Act of which the marginal note is "Prohibition on riding bicycles &c. on footpaths" and inquiries in relation thereto the Secretary of State shall be substituted for the Minister.

Expenses may be declared private improvement expenses.

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

Penalty on occupier refusing execution of Act.

133. 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 or in pursuance of Part VIII (Streets and buildings) and Part X (Infectious disease and sanitary provisions) 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. A.D. 1931.

134. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of Part VIII (Streets and buildings) Part X (Infectious disease and sanitary provisions) and Part XI (Human food) of this Act as if those purposes had been mentioned in the said section 102. Power to enter premises.

135. 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 under the provisions of Part VIII (Streets and buildings) Part X (Infectious disease and sanitary provisions) Part XI (Human food) and Part XII (Police provisions) of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under any provision of this Act may if no other mode of appeal be provided by this Act or by any other Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessional court the Corporation may in like manner appeal. Appeal.

136. The provisions contained in the sections of the Act of 1904 the Act of 1915 and the Act of 1926 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply as if they were re-enacted in this Act (that is to say) :— Incorporation of further enactments.

The Act of 1904—

Section 190 (Authentication and service of notices &c.);

Section 192 (Recovery of penalties);

Section 196 (Saving for indictment &c.).

A.D. 1931.

The Act of 1915—

Section 135 (Recovery of demands);

Section 137 (Powers of Act cumulative).

The Act of 1926—

Section 81 (Inquiries by Minister of Health);
and

Section 82 (Inquiries by Minister of Transport).

In executing
works for
owner Cor-
poration
liable for
negligence
only.

137. Whenever the Corporation or the surveyor under any enactment or byelaw from time to time 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 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.

Consents of
Corporation
to be in
writing.

138. All consents given by the Corporation under the provisions of any local enactment order byelaw or regulation from time to time in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Effect of
breach of
conditions
attached to
consent.

139. Where under any enactment from time to time in force within 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.

A.D. 1931.

140. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any enactment from time to time in force within the borough.

Application of section 265 of Public Health Act 1875.

141. Where under any local enactment from time to time in force within 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 such local enactment are recoverable by the Corporation from the owners shall unless otherwise expressly provided be paid by the owners of such buildings in such proportions as shall be determined by the Corporation or in case of dispute by a court of summary jurisdiction.

Apportionment of expenses in case of joint owners.

142. When any compensation costs damages or expenses is or are by any local enactment from time to time in force within the borough directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts Provided that where any such compensation costs damages or expenses is or are directed or authorised to be paid or recovered in addition to any penalty for any offence the amount of such compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted.

As to determination of compensation.

143. Save as otherwise expressly provided all informations and complaints under or for the breach of any local enactment from time to time in force within the borough under which the Corporation or any of their officers are empowered to take proceedings 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 borough.

Informations by whom to be laid.

144. Section 187 (Apportionment of expenses in case of joint owners) and section 195 (Compensation how to be determined) of the Act of 1904 and section 133 (Consent of Corporation to be in writing) of the Act of 1915 are hereby repealed.

Repeal.

A.D. 1931.

For protec-
tion of
Yorkshire
Electric
Power
Company
and Electri-
cal Distribu-
tion of
Yorkshire
Limited.

145. Nothing in this Act shall authorise any alteration in the position of or other interference with any electric lines or works of the Yorkshire Electric Power Company or Electrical Distribution of Yorkshire Limited except in accordance with the provisions of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to such alteration or interference and shall extend to and include any electric lines or works of the said companies or either of them constructed or placed upon or above the level of the ground.

Crown
rights.

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

Costs of
Act.

147. 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 out of the general rate fund or out of such other funds and in such proportions as the Corporation shall determine or out of money to be borrowed under this Act for that purpose.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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