



## CHAPTER xv.

An Act to authorise the corporation of Doncaster to construct street improvements to confer upon the Corporation further powers with reference to their water and gas undertakings to make better provision for the health local government and finance of the borough of Doncaster and for other purposes. A.D. 1915.

[9th June 1915.]

**W**HEREAS the borough of Doncaster is a municipal borough under the management and local government of the mayor aldermen and burgesses of the borough acting by the council (hereinafter respectively referred to as "the Corporation" and "the borough"):

And whereas it is expedient that the Corporation should be empowered to construct the street improvements within the borough and to acquire the lands in this Act mentioned or referred to:

And whereas it is expedient to empower the Corporation to construct the service reservoir in this Act described and to confer further powers upon them with respect to their water undertaking:

And whereas it is expedient that the Corporation should be empowered to erect and maintain municipal buildings for the purposes of the borough as by this Act provided:

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their gas undertaking and that the limits of the Corporation for the supply of gas should be extended as provided by this Act:

And whereas it is expedient that the Corporation should become the cemetery authority for the borough and that the

A.D. 1915. — undertaking of the Doncaster Cemetery Commissioners should be transferred to the Corporation and that the said commissioners should be dissolved:

And whereas it is expedient that the powers in this Act contained for the erection and maintenance of an isolation hospital in the borough should be granted:

And whereas it is expedient that further and better provision should be made with reference to streets buildings and sanitary matters and for the local government health and improvement 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 by this Act authorised to borrow money and such estimates are as follows:—

	£
For the purchase of lands for the street improvements by this Act authorised - - - -	46,500
For the construction of the service reservoir by this Act authorised - - - -	16,000
For the purchase of lands for and for the erection and equipment of municipal buildings -	30,000
For the erection of gasworks and for the general purposes of the gas undertaking - - - -	63,000
For the erection and equipment of an isolation hospital - - - -	24,100

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

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Corporation:

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed 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 peace for the west riding of the county of York which plans sections and book of reference are in this Act



respectively referred to as the deposited plans sections and book of reference: A.D. 1915.

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 and the approval of the Local Government Board has been obtained:

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

PART I.  
PRELIMINARY.

1. This Act may be cited as the Doncaster Corporation Act 1915. Short title.

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

- Part I.—Preliminary.
- Part II.—Street improvements.
- Part III.—Water.
- Part IV.—Municipal buildings.
- Part V.—General provisions as to lands.
- Part VI.—Gas.
- Part VII.—Cemetery.
- Part VIII.—Isolation hospital.
- Part IX.—Streets and buildings.
- Part X.—Sewers and drains.
- Part XI.—Infectious disease and sanitary provisions.
- Part XII.—Common lodging-houses.
- Part XIII.—Finance.
- Part XIV.—Miscellaneous.

Division of  
Act into  
Parts.

3. The following Acts and parts of Acts so far as they are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say):—

Incorporation of general Acts.

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

Provided always that notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 any question of disputed purchase money or compensation under this

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Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Corporation and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party :

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. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall have the same respective meanings And the expressions—

“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 town clerk” “the medical officer” “the surveyor” and “the inspector of nuisances” mean respectively the town clerk the medical officer of health the surveyor and the inspector of nuisances of the borough and respectively include any person duly authorised to discharge temporarily or permanently the duties of those offices;

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

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

“The water undertaking” means the water undertaking of the Corporation for the time being authorised;

“The water limits” means the limits of the Corporation for the supply of water for the time being;



- “The gas undertaking” means the gas undertaking of the Corporation for the time being authorised; A.D. 1915.
- “The gas limits” means the limits of the Corporation for the supply of gas for the time being;
- “The Act of 1873” means the Doncaster Corporation Waterworks Act 1873;
- “The Act of 1904” means the Doncaster Corporation Act 1904;
- “The Act of 1908” means the Doncaster Corporation Act 1908;
- “The Act of 1854” means the Doncaster Cemetery Act 1854;
- “The commissioners” means the Doncaster Cemetery Commissioners;
- “The cemetery undertaking” means the undertaking authorised by the Act of 1854 and Part VII. (Cemetery) of this Act and includes all lands property investments powers rights privileges and authorities vested in or possessed or exerciseable by the commissioners or the Corporation in respect thereof;
- “The street improvements” means the widenings of streets by this Act authorised;
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies and measles german measles whooping cough and chicken pox;
- “Daily penalty” means a penalty for every day on which any offence is continued after conviction;
- “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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

PART II.

STREET IMPROVEMENTS.

Power to  
construct  
street im-  
provements.

5. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown on the deposited plans and sections and described in the deposited book of reference make and maintain within the borough the street improvements and works hereinafter described together with all proper works and conveniences connected therewith and they may enter upon take and use all or any of the lands delineated on the deposited plans for the purposes of the said street improvements and works or for the purpose of providing space for the erection of buildings adjoining or near thereto (that is to say):—

(1) Widening of Cleveland Street—

(A) On the south-east side thereof between Young Street and Wood Street;

(B) On the west side thereof between Printing Office Street and a point 0·5 chain or thereabouts south thereof:

(2) Widening of Wood Street—

(A) On the south-west side thereof between Cleveland Street and a point 1·4 chains or thereabouts west of the junction of Whitaker Street with Wood Street;

(B) On the north-east side thereof between points respectively 2·7 chains and 8·6 chains or thereabouts east of Cleveland Street:

(3) A widening of Printing Office Street—

On the south side thereof between Cleveland Street and a point 0·5 chain or thereabouts west thereof:

(4) A widening of West Street—

On the north-east side thereof between West Laith Gate and Saint Sepulchre Gate:



- (5) A widening of West Laith Gate—  
On the south-east side thereof between West Street and a point 0·6 chain or thereabouts north-east thereof:
- (6) A widening of Saint Sepulchre Gate—  
On the west side thereof between West Street and a point 0·5 chain or thereabouts north thereof:
- (7) A widening of Warmsworth Road—  
On the south-east side thereof between points respectively 4 chains and 7 chains or thereabouts north-east of Anelay Road:
- (8) A widening of the back road or passage connecting Highfield Road with Saint Mary's Road—  
On both sides thereof between Highfield Road and Saint Mary's Road:
- (9) Widenings of High Fisher Gate—  
(A) On the south-west side thereof between points respectively 4 chains and 6·5 chains or thereabouts north-west of Market Place;  
(B) On the north-east side thereof between points respectively 0·3 chain and 1·6 chains or thereabouts north-west of Friendly Street:
- (10) Widenings of Silver Street East Laith Gate and Nether Hall Road—  
(A) At the junction of Silver Street and East Laith Gate between points respectively 0·5 chain or thereabouts measured from the said junction along East Laith Gate and Silver Street;  
(B) At the junction of East Laith Gate and Nether Hall Road between points respectively 1·75 chains and 0·75 chain or thereabouts measured from the said junction along East Laith Gate and Nether Hall Road respectively:
- (11) Widenings of Low Road Woodfield Lane and Tickhill Road—  
At and near the junction of those roads between points respectively 3 chains or thereabouts north-east and 4 chains or thereabouts south-east of the point of junction of the said roads:

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(12) Widenings of High Road—

(A) On the north-west side thereof between Oswin Avenue and Greenfield Lane;

(B) On the south-east side thereof between points respectively 5·5 chains and 14 chains or thereabouts north-east of Oswin Avenue:

Provided that the Corporation shall not under the powers of this Act enter upon take and use otherwise than by agreement the properties numbered on the deposited plans 30 and 31 in the borough.

Limits of deviation for street improvements.

6. In the construction of the street improvements the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans thereof respectively and may deviate vertically from the levels shown on the deposited sections thereof respectively to any extent not exceeding two feet upwards and two feet downwards.

Incorporation of certain provisions of Acts of 1904 and 1908.

7. The provisions contained in the sections of the Acts of 1904 and 1908 the numbers and marginal notes of which are respectively set forth in this section shall so far as applicable and with the necessary modifications extend and apply to and in relation to the street improvements as if those provisions were in this Act re-enacted with reference thereto.

The sections hereinbefore referred to are—

The Act of 1904—

Section 8 (Power to alter steps areas &c.):

The Act of 1908—

Section 25 (Power to make subsidiary works stop up streets &c.);

Section 27 (Temporary stoppage of streets); and

Section 28 (Power to alter sewers gas and water pipes &c.).

Agreements with owners of property &c.

8. Subject to the provisions of this Act the Corporation may in connection with the powers granted to them by this Part of this Act enter into and carry into effect agreements with any owners of property or other persons interested in lands houses or property abutting on any part of the street improvements with respect to the sale by the Corporation to such person of any lands houses or property or any rights or easements in on or affecting the same (including the site of



any street way court passage or alley or any part thereof appropriated by the Corporation under the powers of this Part of this Act and not required for the street improvements) for such consideration as may be agreed upon between the Corporation and such owners or other persons and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such owner or person of any lands or other property required by the Corporation for the purposes of this Part of this Act. A.D. 1915.

PART III.

WATER.

9. The Corporation may subject to the provisions of this Act and in the lines and situation and according to the levels shown on the deposited plans and sections make and maintain a service reservoir to be situate in the parish of Warmsworth in the rural district of Doncaster on lands belonging to the Corporation and situate on the west side of and adjoining the existing service reservoir of the Corporation together with all such buildings works apparatus and appliances as may be necessary or convenient in connection with or subsidiary to the said new service reservoir. Power to construct service reservoir.

10. In the construction of the service reservoir by this Part of this Act authorised the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and to any extent downwards. Limits of deviation for service reservoir.

11. Subject to the provisions of this Act the works by this Part of this Act authorised shall for all purposes whatsoever form part of and be comprised in the water undertaking. Works to form part of water undertaking.

12. If the service reservoir by this Part of this Act authorised is not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of service reservoir.

13. The Corporation may on all or any of the lands for the time being held by them in connection with the water undertaking execute for the purposes of or in connection with As to exercise of powers of section 12 of

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Waterworks  
Clauses Act  
1847.

the said undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 Provided that the Corporation shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands purchased or taken on lease 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 in connection with the water undertaking.

As to com-  
munication  
pipes.

**14.** For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Power to re-  
pair commu-  
nication  
pipes.

**15.** If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Corporation to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe has been laid by and belongs to the occupier of such premises from the occupier:

Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Discharge of  
water into  
streams.

**16.—(1)** For the purpose of constructing enlarging repairing cleansing emptying or examining any of their waterworks the Corporation may cause the water in such works to be discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons interested for all damage



sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889. A.D. 1915.

(3) The powers of this section shall not be exercised so as to damage or affect the railways or works of the Great Northern or Great Central Railway Companies or the joint railway or works of those companies or of the Hull and Barnsley and Great Central Joint Committee.

**17.** For the protection of the West Riding of Yorkshire Rivers Board the following provisions shall apply and have effect (that is to say):— For protection of West Riding of Yorkshire Rivers Board.

Any water discharged by the Corporation in exercise of the powers of the section of this Act of which the marginal note is "Discharge of water into streams" shall be as free as may be reasonably practicable from mud or solid or offensive matter.

**18.** The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any of the waterworks of the Corporation with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the Corporation in connection with the water undertaking flowing to upon or from such lands directly or derivatively into such waterworks. Power to agree as to drainage of lands &c.

**19.** Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus: Detection of waste.

Provided that the Corporation shall not enter upon break up or interfere with the railway or works or any street electric

A.D. 1915. lines wires or apparatus belonging to the Great Northern Railway Company or the Great Northern and Great Central Railway Companies jointly or the Hull and Barnsley and Great Central Joint Committee without the consent of such companies and committee respectively :

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

The Corporation shall provide reasonable access for all persons bonâ fide going to or returning from any house in any street of which the carriageway or footway is stopped up under the powers of this section.

Supply to houses partly used for trade.

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

(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 meter but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof.

As to supply of water to motor cars &c.

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

Rates payable by owners of small houses.

**22.** Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of



rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate. A.D. 1915.

**23.** When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the water engineer of the Corporation. Maintenance of common pipe.

**24.**—(1) The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit by notice to the owner require that a separate pipe be laid from the main pipe into each house supplied by them with water. Corporation not bound to supply several houses by one pipe.

(2) The owner of any house supplied with water by the Corporation who when so required fails within a period of one month after such notice to provide a separate pipe from the main pipe into such house shall be liable to a daily penalty not exceeding twenty shillings.

**25.** Where water is supplied by meter 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 is charged and sought to be recovered by the Corporation. Provided always that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon 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. Register of meter to be evidence.

**26.** Any fittings let for hire by the Corporation under the provisions of section 32 of the Act of 1873 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof. Water fittings let on hire to be exempt from distress &c.

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Contracts for  
supplying  
water in  
bulk outside  
limits.

**27.** The Corporation may enter into and carry into effect agreements with any local authority company or persons for the supply of water within the area now comprised in the rural district of Doncaster to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits Provided also that nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the water limits.

#### PART IV.

#### MUNICIPAL BUILDINGS.

Acquisition  
and appro-  
priation of  
lands for and  
erection of  
municipal  
buildings.

**28.**—(1) The Corporation for the purposes of this section may enter upon take and use certain lands in the borough comprising the premises known as Nos. 20 21 22 and 23 Priory Place and the passage at the rear of Nos. 20 and 21 Priory Place aforesaid and also may appropriate the lands belonging to them lying between Priory Place and Saint Sepulchre Gate and bounded on the east by the passage at the rear of premises known as Nos. 19 20 and 21 Priory Place and premises known as Nos. 22 and 23 Priory Place on the west by the premises of the Elephant Hotel on the north by the premises known as Nos. 50 and 52 High Street and the Doncaster Post Office and on the south by lands and premises at the rear of Cade's Yard.

(2) The Corporation may upon any of the lands so acquired or appropriated erect construct and hold furnish equip maintain insure and carry on municipal buildings a public hall assembly rooms and any other buildings necessary or proper for any purpose of the borough with all necessary and suitable offices committee rooms entertainment rooms ante-rooms refreshment rooms kitchens cloak rooms lavatories gardens outbuildings conveniences and appurtenances and may for the purposes thereof alter adapt extend or otherwise deal with any existing buildings on the said lands.



(3) Subject to the provisions of this Act the provisions of the Municipal Corporations Act 1882 shall apply to any buildings erected or constructed altered adapted or extended under this section as fully and completely as though such buildings had been erected under the provisions of the said Act. A.D. 1915.

(4) The Corporation shall make such adjustments between the borough fund account and the district fund account as shall be necessary to charge to the borough fund account the original cost of so much of the lands before mentioned as were acquired by them for the purposes of street improvements and as are by this Act appropriated for the purposes of this section.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums borrowed for the purchase of the said lands or some of them and secured by mortgages already granted under the powers of the Public Health Act 1875 of the district fund and general district rate and the interest upon such sums shall as heretofore be paid out of the last-mentioned fund and rate and shall be repaid thereto from the borough fund and borough rate.

**29.** The Corporation may grant or let with or without charge the use of the whole or any part of any buildings constructed or held by them under the powers of the section of this Act whereof the marginal note is "Acquisition and appropriation of lands for and erection of municipal buildings" for any public or other meetings or any musical or other entertainments or for other purposes approved by the Corporation on such terms and conditions as they may think fit Any moneys received by the Corporation under this section shall be carried to the credit of the borough fund. Letting of public buildings.

## PART V.

### GENERAL PROVISIONS AS TO LANDS.

**30.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act. Period for compulsory purchase of lands.

**31.** 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 As to private rights of way over lands taken compulsorily.

A.D. 1915. interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Owners may be required to sell parts only of certain lands and buildings.

**32.** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal to whom the question of disputed compensation shall be submitted shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat 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 over which the Corporation have compulsory powers of purchase) can be so severed:

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so 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 by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (7) If the tribunal determine that the portion of the scheduled 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

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shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Power to purchase additional lands by agreement.

**33.** The Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of the gas and water undertakings Provided that nothing in this Act 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 such lands and that no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products except lands authorised to be so used by Act of Parliament Provided also that the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed in the case of the gas undertaking five acres and in the case of the water undertaking ten acres.

Incorporation of further provisions of Acts of 1904 and 1908.

**34.** The provisions contained in the sections of the Acts of 1904 and 1908 the numbers and marginal notes of which are respectively set forth in this section shall so far as applicable and with the necessary modifications extend and apply to and for the purposes of this Act or in relation to the lands by this Act authorised to be acquired as if those enactments were in this Act re-enacted with reference thereto.

The sections hereinbefore referred to are—

The Act of 1904—

Section 24 (Correction of errors &c. in deposited plans and book of reference);



Section 26 (Persons under disability may grant easements &c.); and A.D. 1915.

Section 30 (Power to retain sell &c. lands):

The Act of 1908—

Section 32 (Costs of arbitration &c. in certain cases); and

Section 33 (Corporation may use their own lands for purposes of Act).

**35.** In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the thirtieth day of November one thousand nine hundred and fourteen if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act. Compensation in case of recently altered buildings.

**36.** The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times in the day upon giving for the first time twenty-four hours' and afterwards twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used thereunder or any of them for the purpose of surveying and valuing the said lands and buildings 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. Power to Corporation to enter upon property for survey and valuation.

## PART VI.

### GAS.

**37.** The limits within which the Corporation may supply gas are hereby extended so as to include the parishes of Barnby-Dun Cadeby High Melton and Edlington all in the rural district of Doncaster and for the purposes of such supply and subject to the provisions of this Act the Corporation shall have and may exercise all the powers rights privileges and authorities and shall be subject to the same obligations as they now have and Extension of limits for supply of gas.

A.D. 1915. — may exercise and are subject to in connection with the gas undertaking under the provisions of the Act of 1904 and the Acts incorporated therewith and those provisions and the provisions of this Act relating to the gas undertaking shall extend and apply within the said limits of supply as extended by this section and to the supply of gas therein.

For protection of Edlington (Yorkshire) Land and Development Company Limited.

**38.** On the grant of the powers so far as regards the parish of Edlington contained in the section of this Act the marginal note whereof is "Extension of limits for supply of gas" the agreement dated the fifth day of December one thousand nine hundred and ten and made between the Corporation of the one part and Harry Davies Sylvanus Glanville Morris Joseph Woolf and Frederick Charles Davies of the other part shall thereupon cease and determine.

Appropriation of lands and construction &c. of gasworks.

**39.** The Corporation may appropriate for the purposes of the gas undertaking the lands belonging to them described in the Second Schedule to this Act and may upon the said lands or any part thereof exercise all or any of the powers conferred by section 33 (Powers as to maintenance of gasworks &c. and acquisition of lands) of the Act of 1904 as fully and effectually as if the said lands had formed part of the lands described in the Second Schedule to that Act.

Substituting standard calorific power for prescribed illuminating power.

**40.** As from the first day of January one thousand nine hundred and sixteen—

- (A) Every enactment in force immediately before that date whereby or by virtue whereof the gas supplied by the Corporation is required to be of a prescribed illuminating power shall cease to apply with respect to such gas:
- (B) The Corporation shall cease to be under any liability or obligation to provide or maintain any apparatus for testing the illuminating power of such gas and shall be at liberty to remove any such apparatus which they have provided:
- (C) The Corporation shall not be liable to any penalty in respect of any deficiency in the illuminating power of the gas supplied by them:
- (D) Sections 37 (Quality of gas) 39 (Burner) and 51 (No penalty in case of unavoidable cause) of the Act of 1904 shall be and the same are hereby repealed.



**41.**—(1) The existing testing place at the gasworks of the Corporation shall be the prescribed testing place for such of the purposes of the Gasworks Clauses Act 1871 as are applicable for the purposes of this Act and the testing place for the purposes of this Act.

A.D. 1915.  
Place and  
method of  
testing.

(2) The Corporation shall prior to the first day of January one thousand nine hundred and sixteen provide at the testing place apparatus for testing the calorific power of the gas supplied by them similar to the apparatus for the time being prescribed by the Metropolitan gas referees for testing the calorific power of gas and the Corporation shall at all times keep and maintain such testing place and apparatus in good repair and working order.

(3) The gas supplied by the Corporation shall when tested in the mode and under the conditions for the time being prescribed by the Metropolitan gas referees be of a calorific power of five hundred and forty British thermal units (the expression "British thermal units" being used in this Act as meaning British thermal units gross per cubic foot) and that power is in this Act referred to as "the standard calorific power" Provided that the Corporation shall not be liable to any penalty or proceedings for or in respect of deficient calorific power of the gas so supplied by them except in accordance with the provisions in this Act contained.

(4) Sections 29 30 31 and 33 of the Gasworks Clauses Act 1871 in their application to the Corporation shall be construed as if calorific power were therein referred to in lieu of illuminating power.

**42.** The following provisions shall apply with respect to the testing for calorific power of the gas supplied by the Corporation (that is to say):—

Provisions  
as to testing  
for calorific  
power.

(1) Not more than one testing for calorific power shall be made on any one day (reckoned from midnight to midnight) except that in the event of the calorific power being on any testing ascertained to be below the standard calorific power by more than seven and a half per centum a second testing shall be made on the same day but at an interval of not less than one hour from the time of making the first testing and the average of the two testings shall be deemed to be the calorific power of the gas on that day:

A.D. 1915.

(2) The gas examiner shall forthwith deliver a report of the result of his testing to the local authority or the justices by whom he was appointed and to the Corporation and that report shall be receivable in evidence.

Penalties for deficient calorific power.

**43.** If on any testing the calorific power of the gas supplied by the Corporation is found to be below the standard calorific power by more than seven and a half per centum the Corporation shall be liable to the following penalties in respect of any deficiency beyond such last-mentioned margin (that is to say):—

If the deficiency does not exceed fourteen British thermal units a sum not exceeding two pounds;

If the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding five pounds;

For each complete twenty-eight British thermal units of defective power a sum not exceeding ten pounds:

Provided that the Corporation shall not be liable for more than one penalty in respect of a deficiency of calorific power of the gas supplied on any one day.

Saving as to penalties.

**44.** No penalty shall be incurred by the Corporation for insufficiency of pressure defect of calorific power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Corporation. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Corporation.

Supply of gas where consumer has separate supply.

**45.** Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Corporation a supply of gas for any premises for which he has at the same time a supply of gas from any installation other than that of the Corporation or a supply of electricity unless he shall have agreed to pay to the Corporation such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.



**46.** As from the first day of January one thousand nine hundred and sixteen section 40 (Charges for gas supplied by means of prepayment meters) of the Act of 1904 is hereby repealed and the following provisions shall have effect in lieu thereof (that is to say):—

A.D. 1915.  
Charge for gas supplied by means of prepayment meters.

- (1) The Corporation may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers through any other kind of meter or by any other method of supply:
- (2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove:
- (3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher:
- (4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Corporation in connection therewith:
- (5) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

**47.—**(1) Every consumer of gas whether supplied by the Corporation or from any other source and every other person who uses a stationary or fixed internal combustion engine shall provide and use effective means to silence the exhaust gases of such engine and shall at all times at his own expense keep the

Silencers for internal combustion engines.

A.D. 1915. — same in proper repair and in default of his so providing using or keeping the same in proper repair the Corporation may if gas is supplied by them cease to supply gas to such consumer The Corporation shall have access to and be at liberty to inspect and test at all reasonable times any means of silencing so provided such inspecting and testing to be done at the expense of the Corporation if the means of silencing be found in proper order but otherwise at the expense of the consumer or other person aforesaid.

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

Engines &c. fixed to premises to remain property of Corporation.

48. Subject as hereinafter provided all engines fittings apparatus and appliances (in this section referred to as "fittings") let by the Corporation on hire or under hire-purchase agreements under any statutory powers shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Corporation Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as owners thereof Provided also that nothing in this section shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

Occupier to pay expenses of reconnecting discontinued supply.

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

Amending obligations as to supply of gas.

50. Notwithstanding anything contained in any enactment to the contrary the Corporation shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is insufficient for such purpose or if and so long as any such supply would in the opinion of the Corporation interfere with the sufficiency of the gas required to be supplied by means of such main for lighting or domestic purposes.



**51.**—(1) In any case in which the Corporation are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Corporation without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Corporation) and any person who shall re-connect such service pipe with the meter without the consent of the Corporation shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847:

A.D. 1915.  
As to mode  
of cutting off  
supplies.

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

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

**52.** The Corporation may enter into and carry into effect agreements with any company or person for the supply of gas in a crude or partially purified state by such company or person to the Corporation for such remuneration on such terms and conditions and for such period as the Corporation may think fit.

Corporation  
may con-  
tract for  
purchase of  
gas.

## PART VII.

### CEMETERY.

**53.** The appropriation and user by the commissioners for burial purposes and as part of the Doncaster cemetery of the lands described in the Third Schedule to this Act and the expenditure of capital in connection therewith are hereby sanctioned and confirmed and the commissioners may until the first day of October one thousand nine hundred and fifteen (in this Part of this Act referred to as "the date of vesting") continue to maintain and carry on the cemetery undertaking upon the said lands and the lands described in the First Part of the Schedule to the Act of 1854.

Power to  
commis-  
sioners to  
maintain  
Doncaster  
cemetery.

**54.**—(1) On and from the date of vesting the commissioners shall be dissolved and the cemetery undertaking

Dissolution  
of commis-  
sioners and

A.D. 1915. shall be by virtue of this Act transferred to and vested in and  
vesting of may be carried on and maintained by the Corporation and  
cemetery un- shall for all purposes be deemed to have been provided by the  
dertaking in Corporation. Corporation under the Public Health (Interments) Act 1879 and  
as from the date of vesting the Act of 1854 shall be and the  
same is hereby repealed.

(2) The byelaws rules regulations orders notices and scales of fees and charges in force at the date of vesting for or in relation to the cemetery shall until altered or revoked continue in force and all fees charges penalties and forfeitures thereby respectively prescribed and imposed shall be paid to and may be recovered and enforced by the Corporation in like manner and in all respects as the same respectively would have been payable to and recoverable and enforceable by the commissioners if this Act had not been passed.

As to debts and liabilities of commissioners. **55.**—(1) All the debts and liabilities of the commissioners unpaid and undischarged at the date of vesting shall be discharged and satisfied by the Corporation.

(2) If at the date of vesting any action or proceeding or any cause of action or proceeding is pending or existing against or in favour of the commissioners the same shall not abate or be discontinued but the same may be continued prosecuted or enforced against or in favour of the Corporation as and when it might have been continued prosecuted and enforced against or in favour of the commissioners if this Act had not been passed.

Contracts of commissioners binding on Corporation. **56.** All agreements contracts and other instruments affecting the commissioners or the cemetery undertaking and in force at the date of vesting shall be as binding on and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the commissioners the Corporation had been a party thereto.

Audit of accounts of commissioners. **57.**—(1) The accounts of the commissioners and of their officers up to the date of vesting shall be audited in like manner as heretofore as soon as practicable after that date notwithstanding any statutory provision or regulation as to the time of holding the audit of the accounts of the commissioners to the contrary.

(2) Any officer of the commissioners whose duty it is to make up any accounts or to account for any portion of the receipts or expenditure in any accounts shall until the audit is



completed be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Act had not been passed. A.D. 1915.

58. The officers of the commissioners who shall be in office at the date of vesting shall at the option of the Corporation be transferred to their service and any such officer who shall suffer any pecuniary loss shall be deemed to be an officer entitled to compensation within the meaning of section 120 of the Local Government Act 1888 and that section shall apply accordingly with the substitution of the Corporation for the county council and the Local Government Board for the Treasury. Such compensation may at the option of the Corporation be by way of annuity or by payment of a sum in gross. As to officers of commissioners.

59. Notwithstanding section 3 of the Public Health (Interments) Act 1879 section 60 (With respect to the accounts to be kept by the company) of the Cemeteries Clauses Act 1847 shall not apply to the Corporation. As to accounts of cemetery.

## PART VIII.

### ISOLATION HOSPITAL.

60.—(1) The Corporation may appropriate and use the lands bounded on the north by Common Lane on the south by Saint Catherine's Plantation and numbered 157 and 316 on the  $\frac{1}{2500}$  Ordnance survey of the parish of Balby-with-Hexthorpe (2nd edition 1903) which parish is now included in the borough and may on such lands or any part thereof erect construct and hold furnish equip maintain and carry on an isolation hospital and any necessary buildings offices ante-rooms conveniences and appurtenances in connection therewith and the provisions of the Public Health Acts shall apply to any hospital erected or constructed under this section as fully and completely as though such hospital had been provided under the provisions of those Acts. Provided that before commencing the erection of any buildings under the provisions of this section the Corporation shall submit to the Local Government Board for their approval plans elevations and specifications of the proposed buildings. Power to erect isolation hospital.

(2) The Corporation shall charge the district fund account with a reasonable sum by way of rent for the said lands and shall carry that sum to the credit of the borough fund.

A.D. 1915.

PART IX.

STREETS AND BUILDINGS.

Intersecting streets.

**61.**—(1) Section 61 (Intersecting streets) of the Act of 1904 is hereby repealed and the Corporation in any case in which it is proposed to lay out a new street may require that such street shall not be laid out without the provision of such intersecting street or streets as will secure intersecting streets at intervals of not more than one hundred and fifty yards each from the other on each side of such new street and of any street of which it forms a continuation. Provided that if on either side of such last-mentioned street there shall already be a greater length from the proposed new street than one hundred and fifty yards without an intersecting street such greater length shall for the purposes of this section be deemed to be one hundred and fifty yards.

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

(3) For the purposes of this section "intersecting street" means a side or cross street forming a junction with or crossing another street.

Widening of roads when only one side is built upon.

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

(2) Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on or prior to the Corporation approving plans for the erection of buildings upon the land on such opposite side the owner of such land shall subject as aforesaid complete the widening of such road or lane so as to give the complete width prescribed as aforesaid.

Exchange of parts of streets disused.

**63.** The Corporation may agree with the owner of any land in any street to give up land for the purpose of widening



opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

A.D. 1915.

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

Frontage  
line in new  
streets.

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

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

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

(5) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval

A.D. 1915. of the building line by the Corporation determine the centre of any street or intended street.

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

Develop-  
ment scheme  
may be re-  
quired in  
connection  
with new  
streets.

**65.** Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

Appeal to  
petty ses-  
sional court.

**66.**—(1) Any person deeming himself aggrieved by any requirement of or by the Corporation under either of the last two preceding sections of this Act may within fourteen days from the date of such requirement appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(2) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

Forecourts  
to be fenced  
off from  
streets.

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

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



**68.**—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall if so required by the Corporation flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same and provide gulleys and grids in suitable positions and at proper levels and keep such flagging asphaltting concreting or paving and drain gullies and grids in good repair.

A.D. 1915.  
—  
Courts and passages to be flagged and drained.

(2) If such owner or owners shall for one month after notice in writing from the Corporation fail in any respect to comply with any requirements of the Corporation under the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

**69.** The Corporation may make byelaws with respect to the following matters (namely):—

Byelaws as to materials and construction of buildings.

- (1) 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:
- (2) 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:
- (3) Woodwork in external walls of buildings:
- (4) The testing of drains of new buildings.

**70.** Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words “and floor area” had been inserted therein after the word “height” in subsection (1) of that section.

Area of habitable rooms.

**71.**—(1) (A) Every new building exceeding thirty-five feet in height the whole or part of which is used or intended to be used as a tavern hotel restaurant

Means of escape from buildings in case of fire.

A.D. 1915.

hospital boarding-house common lodging-house or school and every existing or new building exceeding thirty-five feet in height the whole or part of which shall after the passing of this Act commence to be so used; and

(B) Every new building exceeding thirty-five feet in height the whole or part of which is used or intended to be used as a shop in which building sleeping accommodation is or is intended to be provided for persons employed in or about such shop

shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling employed or sleeping therein or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and no such building shall be permitted by the owner thereof to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) (A) From and after the first day of January one thousand nine hundred and sixteen the Corporation in the case of every existing building exceeding thirty-five feet in height and used or intended to be used (as to the whole or any part thereof) as a shop and in which building sleeping accommodation is or is intended to be provided for persons employed in or about such shop if in their opinion such building is not provided with proper and sufficient means of escape therefrom in case of fire for the persons dwelling employed or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

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



(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection. A.D. 1915.

(3) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(4) For the purposes of this section the height of any building shall be measured from the street level to the highest part of the wall where the same terminates at the eaves or parapet of the roof.

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

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

**72.** Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws for securing adequate lighting to staircases passages and lobbies in new buildings and in cases where structural alterations are proposed to be made to staircases passages and lobbies of existing buildings. Power to make byelaws as to admission of light to buildings.

**73.** The Corporation may make byelaws—

(1) For securing the proper ventilation and lighting of and for the prevention of insanitary conditions in or about or arising out of (A) any building not being used as a stable at the time of the passing of this Act (such byelaws to apply if and when such building shall be used as a stable) and (B) any stable erected after the passing of this Act:

(2) For preventing insanitary conditions in or about or arising out of any stable erected after the passing of this Act or in regard to the situation of any such stable in reference to other buildings. Byelaws as to stables.

**74.** The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of this Part of this Act as if those purposes had been mentioned in the said section 102. Power to enter premises.

A.D. 1915.

Saving for  
railway com-  
panies.

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

## PART X.

### SEWERS AND DRAINS.

Power to re-  
quire spe-  
cially large  
sewer in  
streets not  
repairable by  
inhabitants  
at large.

**76.** Section 78 (Corporation may require enlarged sewer) of the Act of 1904 is hereby repealed and if in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Recon-  
struction  
of drains.

**77.**—(1) Section 105 (Reconstruction of drains) of the Act of 1904 is hereby repealed and it shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws of the Corporation relating to the drainage of existing buildings.

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

Notice of  
intention to  
repair drains.

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

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

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

Wilful  
damage to

**79.**—(1) No person shall cause any drain water-closet earth-closet privy ashpit or dustbin to be a nuisance or injurious or



dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work.

A.D. 1915.  
drains and  
water-  
closets.

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

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

**80.** Section 110 (Corporation may require old drains to be laid open for examination by surveyor before communicating with sewers) of the Act of 1904 is hereby repealed and if the owner or occupier of any premises desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Corporation  
to make  
communica-  
tion between  
drains and  
sewers.

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

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

**82.—**(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of a sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners.

Corporation  
may order  
houses to be  
drained by  
combined  
drain.

A.D. 1915.  
—

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Corporation.

## PART XI.

### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Informa-  
tion to be  
furnished to  
medical  
officer.

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

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

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

For pre-  
venting con-  
tact with  
body of per-  
son dying of  
infectious  
disease.

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

Removal  
of body of  
person dying  
of infectious  
disease.

**85.** When any person suffering from infectious disease whereof notice shall have been or ought to have been given to the medical officer shall die in the borough of such disease and the medical officer shall give notice thereof to the person responsible for the conduct of the burial of the body of such person it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body



without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds. A.D. 1915.

**86.**—(1) Any parent or guardian having personal charge of a child in attendance at a school who is aware of or has reason to suspect the occurrence of any of the diseases known as measles german measles chicken-pox or whooping cough in any member of the family and who fails forthwith to notify such occurrence to the head teacher of the school shall be liable to a penalty not exceeding twenty shillings. To prevent spread of measles chicken-pox and whooping cough.

(2) If any person not less than sixteen years in age while suffering from any one of the diseases of measles german measles chicken-pox or whooping cough wilfully exposes himself without proper precautions against spreading the disease in any street public place shop inn or any public conveyance or being in charge of any person so suffering wilfully exposes such sufferer he shall be liable to a penalty not exceeding five pounds.

(3) In this section the expression "school" includes a Sunday school.

(4) The provisions of this section shall cease to be in force at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by an order of the Local Government Board which order the Local Government Board are hereby empowered to make.

**87.**—(1) No person being the parent or having the care or charge of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others. To prevent spread of infectious disease amongst children.

(2) Any person who shall offend against this section shall for every such offence be liable to a penalty not exceeding forty shillings.

A.D. 1915.  
For regulat-  
ing manu-  
facture and  
sale of ice-  
cream &c.

**88.**—(1) Section 121 (For regulating manufacture and sale of ice-creams &c.) of the Act of 1904 is hereby repealed and any person being a manufacturer of or merchant or dealer in ice-cream or other similar commodity who—

- (A) Causes or permits ice-cream or any similar commodity to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice-cream commodity or materials so destroyed.

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

Establish-  
ment &c. of  
offensive  
trades.

**89.**—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established not only if it is established for the first time but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the consent in writing of the



Corporation but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area. A.D. 1915.

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

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

(4) The expression "offensive trade" in this section means any trade which is for the time being an offensive trade within the meaning of section 112 of the Public Health Act 1875 as amended by section 51 of the Public Health Acts Amendment Act 1907.

**90.**—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as amended by section 51 of the Public Health Acts Amendment Act 1907 and in the opinion of the Corporation it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade. Discontinu-  
ance of  
offensive  
trades.

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

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

A.D. 1915.

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

Provision of food store accommodation.

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

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

No place used for storage &c. of human food to be used as a sleeping place.

**92.**—(1) No room shop or other part of a building in which any food is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall be used as a sleeping place.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building as a sleeping place in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings. No penalty shall be imposed for an offence against this section if in the opinion of the court the occupation of such room shop or other part of a building in contravention of this section has not caused risk of infection or of contamination of food.

(3) The Corporation or any of their officers shall have the like right of entry upon any such room shop or other part of a building as they would have had under section 102 (Power of entry of local authority) of the Public Health Act 1875 if there had been a nuisance arising in respect of any business carried on therein.

(4) Any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in



the execution of his duty shall be liable to a penalty not exceeding forty shillings. A.D. 1915.

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

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

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

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

(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in the notice given or any work done by the Corporation was reasonable and as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom the notice was given and the court may make such order concerning such costs and

A.D. 1915. expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

Existing closets when altered to be replaced by water-closets.

**94.**—(1) Where a sufficient water supply and sewer are reasonably available no new closet shall be erected in place of any existing closet accommodation in connection with any building unless such new closet be a water-closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer.

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

Sanitary conveniences for workmen engaged on buildings.

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

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

Water-courses not to be covered over except in accordance with approved plans.

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

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

(B) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of



any work under this section any additional cost A.D. 1915.  
occasioned by such requirement shall be borne by  
the Corporation.

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

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

(4) Nothing in this section shall prejudice or affect the rights of any railway company under any statutory provision to culvert or cover any watercourse.

**97.** The Corporation may provide and maintain in or Street bins.  
under any street bins for sand and gravel or other materials and orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper of such dimensions and in such positions as they may from time to time determine:

Provided always that the Corporation shall not place or maintain any bin or receptacle in such position as to interfere with or render less convenient the access to or exit from any station or depôt of the Great Northern Railway Company.

**98.** The Corporation may by notice in writing require the owner or occupier of any house office warehouse shop stall or workshop to provide portable galvanized iron refuse bins and such bins shall be of such number material size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply in respect of any premises where ashpits ashtubs or other receptacles for refuse are in use at the passing of this Act so long as the same are of suitable number material size and construction and in proper order and condition.

Regulation  
bins for  
refuse &c.

A.D. 1915.

PART XII.

COMMON LODGING-HOUSES.

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

99. Whenever the medical officer shall report in writing to the Corporation that there is a prevalence of dangerous infectious disease in the borough or any adjoining or neighbouring borough or district and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the borough by persons resorting to common lodging-houses the Corporation may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the borough for such period as the Corporation having regard to the circumstances of the case shall in the resolution determine (that is to say):—

- (1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation may exist or has recently existed in any common lodging-house in the borough medically examine any person found in any common lodging-house in the borough with a view to ascertaining whether such person is suffering or has recently suffered from such disease Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings :
- (2) A copy of every such resolution shall forthwith be sent by the Corporation to every keeper of a registered common lodging-house in the borough and to the Local Government Board :
- (3) Unless approved by the Local Government Board any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Local Government Board :
- (4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not



exceeding the period during which the provisions  
aforesaid shall be in force as may be specified in  
such warrant. A.D. 1915.  
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**100.**—(1) If the Corporation deem it necessary on account of the existence or recent existence therein of infectious disease to close a common lodging-house they may make an application to a justice for an order to close the same and the justice if satisfied of the necessity of such closing may make an order for the closing of such house until the same shall have been disinfected to the satisfaction of and certified to be free from infection by the medical officer and any keeper of a common lodging-house who shall receive any lodger or suffer or permit any lodger to remain in such house after an order has been made to close the same and during the continuance of such order shall be liable to a penalty of five pounds for every day during which the offence continues. Power to  
close infected  
common  
lodging-  
houses.

(2) The Corporation shall make compensation to the keeper of any such lodging-house for any loss he may sustain by reason of such closing.

**101.**—(1) Notice of the foregoing provisions of this Part of this Act shall be served upon the keeper of every common lodging-house within the borough either personally or by leaving the same at or sending the same to the common lodging-house. Notice to  
common  
lodging-  
house  
keepers.

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

### PART XIII.

#### FINANCE.

**102.**—(1) The Corporation may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest for the purposes set forth in the first column of the following table on the respective securities set forth in the second column thereof any sums not exceeding the respective sums set forth in the third column thereof and all moneys borrowed under the powers of this subsection shall be repaid within the respective periods Power to  
borrow and  
repayment of  
borrowed  
moneys.

A.D. 1915. set forth in the fourth column of the said table (that is to say) :—

Purpose.	Security.	Amount.	Period for Repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	District fund and general district rate and borough fund and borough rate.	The sum requisite. £	5 years from the passing of this Act.
(2) For purchase of lands for street improvements.	District fund and general district rate.	46,500	60 years from the date or dates of borrowing.
(3) For construction of service reservoir.	Revenue of water undertaking and borough fund and borough rate.	16,000	50 years from the date or dates of borrowing.
(4) For purchase of lands for and for erection and equipment of municipal buildings.	Borough fund and borough rate.	27,000	50 years from the date or dates of borrowing.
(5) For furnishing of municipal buildings.	Borough fund and borough rate.	3,000	15 years from the date or dates of borrowing.
(6) For erection of gas-works and for general purposes of gas undertaking other than provision of meters.	Revenue of gas undertaking and borough fund and borough rate.	53,000	30 years from the date or dates of borrowing.
(7) For provision of gas meters.	Revenue of gas undertaking and borough fund and borough rate.	10,000	10 years from the date or dates of borrowing.
(8) For erection and equipment of isolation hospital.	District fund and general district rate.	24,100	40 years from the date or dates of borrowing.

(2) The Corporation may with the sanction of the Local Government Board borrow on such security as that Board may prescribe such further or other moneys as the Corporation may require for any of the purposes of this Act and all moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as that Board may sanction.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

Certain provisions of Public Health Act as to borrowing not to apply.

**103.** In calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums which they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and



re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts. A.D. 1915.

**104.** The following provisions of the Act of 1904 with any necessary modifications (and subject as regards mortgages granted under the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes" to the provisions of that section) 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):—

Application  
of financial  
provisions of  
Act of 1904.

- Section 31 (Proceeds of sale of surplus lands);
- 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);
- Section 172 (Sinking fund may be adjusted in certain events);
- Section 174 (Protection of lender from inquiry);
- Section 175 (Corporation not to regard trusts);
- Section 181 (Application of money borrowed); and
- Section 182 (Audit of accounts):

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.

**105.**—(1) Section 39 (Power to re-borrow) of the Act of 1908 is hereby repealed but without prejudice to anything which may have been done thereunder. Power to  
re-borrow.

(2) The Corporation shall have power—

- (A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

A.D. 1915.

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

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

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

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

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

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

Power to use sinking fund instead of borrowing.

**106.**—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(B) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.



(2) The Corporation when exercising the powers conferred on them by this section shall—

- (A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;
- (C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

**107.**—(1) The Corporation shall within three months after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and at any other time when the Local Government Board (in this section referred to as “the Board”) may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the town clerk showing for the year next preceding the

Returns  
to Local  
Government  
Board as to  
sinking  
funds.

A.D. 1915. — making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Board shall require and the making of any such return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

(2) If it appears to the Board by that return or otherwise that the Corporation have failed to pay or make any instalment or annual payment required to be paid or made or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

(3) The provisions of this section are in lieu of and shall supersede any other enactment requiring the Corporation or the town clerk to make a separate return in respect of the provision made for the repayment of any loan raised under any statutory borrowing power of the Corporation.

Power to use one form of mortgage for all purposes.

**108.**—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and place of payment and shall be sealed with the corporate seal of the Corporation and may be



made in the form contained in the Fourth Schedule to this Act or to the like effect. A.D. 1915.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Fourth Schedule to this Act or to the like effect.

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(9) There shall be kept at the office of the Corporation a register of the transfer of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Power to amend rates to accord with new valuation list.

**109.** The powers of section 221 (Rates may be amended) of the Public Health Act 1875 shall extend to enable the Corporation to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

General district rate may be assessed as borough rate.

**110.**—(1) The Corporation may if they think fit in lieu of themselves making assessing and levying any general district rate order such rate to be made assessed and levied in the same manner as a borough rate and may enforce the payment thereof from the overseers in the same manner as in the case of the borough rate and if any such order be made by the Corporation the general district rate shall be made assessed and levied by the overseers in the same manner and under the same provisions (including the provisions as to objections and appeals) as in the case of the poor rate but subject to the exemptions (partial or otherwise) for the time being applicable to such general district rate in respect of any property in the borough and such rate may be assessed and levied either separately or together with the



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water rates rents and charges shall not in any case be recoverable in advance for more than one quarter of any year.

The expenses of the overseers in connection with the assessment levying and collection of the general district rate shall be paid out of the district fund.

Audit of accounts.

**111.**—(1) In the event of the Corporation making an order in pursuance of the last preceding section of this Act the accounts of the overseers and collectors of poor and other rates relating to the general district rate shall be submitted to and be audited by the district auditor in the manner provided by section 37 (Rates made by overseers not now audited made subject to the audit of district auditor) of the Divided Parishes and Poor Law Amendment Act 1876 and that rate shall be deemed to be a rate within the meaning of that section.

(2) The overseers shall prepare and submit to the district auditor at every audit of their accounts a financial statement in duplicate in the form and containing the particulars from time to time prescribed by the Local Government Board in respect of the general district rate. One of such duplicates shall have the stamp duty chargeable according to the scale contained in the District Auditors Act 1879 affixed thereon and calculated according to the total of the sums paid to the Corporation during the period to which the statement relates and the provisions of the District Auditors Act 1879 as to the duties of the auditor with reference to such duplicates shall apply as if the said duplicates were prepared and submitted under that Act.

(3) The Corporation shall repay to the said overseers the amount of any stamp duty which may be paid by them upon any financial statement pursuant to the provisions of this Act.

(4) The provisions of section 5 (Regulations as to audit) and section 6 (Stamp duties under Inland Revenue) of the District Auditors Act 1879 shall apply to the accounts of the overseers and collectors and to the stamp duty on such financial statements as aforesaid and any overseer who shall fail to comply with the provisions of this Act with respect to a financial statement shall be liable to the penalty provided in section 7 (Failure to submit financial statement) of the last-mentioned Act.

Owner may be rated instead of

**112.** On an order being made by the Corporation in pursuance of the section of this Act whereof the marginal

poor rate assessed and levied in respect of the hereditaments rateable to such rate: A.D. 1915.

Provided that the demand note served upon any railway company for any such rate shall show separately on the face of it the respective assessments as well as the actual rates proposed in each case to be levied.

(2) In the event of the Corporation making any order in pursuance of this section—

(A) Any other rate for the time being leviable by the Corporation and any water rate rent or charge (including meter rent) payable to the Corporation may be included with the poor rate (but distinguished therefrom) in any book or books of assessments and in one demand note. The demand note shall be in such form as the Local Government Board may approve:

(B) The overseers shall recover and enforce the poor rate in the same manner as the general district rate is recoverable and enforceable under the Public Health Act 1875 and the provisions of section 2 (In default of distress for non-payment of rates justices may issue warrant of commitment) of the Distress for Rates Act 1849 with respect to the recovery and enforcement of the poor rate shall cease to apply. Provided that any provisions limiting the period within which proceedings must be commenced for the recovery of the general district rate in a court of summary jurisdiction shall not apply to the poor rate:

(c) Within the first financial year after the making of such an order the Corporation may notwithstanding anything to the contrary contained in the Waterworks Clauses Act 1847 alter and adjust the dates for the payment and recovery of water rates rents or charges to correspond as nearly as practicable with the dates and periods for the levying and collection of the poor rate and for the purpose of bringing into operation such adjustment and thereafter it shall be lawful for the Corporation to recover water rates rents and charges for one or more quarters of any such financial year at the same time as the overseers are entitled to recover the poor rate but so that such



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the Public Health Act 1875) in like manner as to the poor rate :

- (3) Unless and until the Corporation exercise the option given to them by this section the provisions of sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 as amended by the Local Government Act 1894 shall remain in operation and the provisions of such first-named Act as amended as aforesaid shall extend and apply to the general district rate (in substitution for the provisions of section 211 of the Public Health Act 1875) in like manner as to the poor rate.

Appoint-  
ment of  
officers.

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

Assistant  
overseer and  
others to  
give security  
to Corpora-  
tion.

**114.**—(1) All officers appointed or to be appointed by the Corporation to assist in the discharge of the duties of the overseers of the township of Doncaster and any assistant overseer appointed by the Corporation shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Local Government Board shall report thereon annually to the Corporation and such securities shall be deposited with the Corporation and not with the board of guardians.

(2) Assistant overseers appointed by the Corporation shall not be required to give security to the guardians of the union under section 61 of the Poor Law Amendment Act 1844.

Evidence on  
transfer or  
transmission  
of securities  
&c.

**115.** It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the Corporation of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in the case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

note is "General district rate may be assessed as borough rate" the following provisions shall apply and have effect (that is to say):—

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occupier in  
certain cases.

(1) It shall be lawful if the Corporation think fit for any owner or owners of rateable property of which the full net annual value does not exceed the sum of eight pounds or which is let to weekly or monthly tenants or in separate apartments or for which the rent becomes payable or is collected at any shorter period than quarterly to be rated instead of the occupier or occupiers of such property and every such owner so rated shall pay such rates instead of the occupier but in every such case such owner shall be entitled to any allowance which the Corporation think reasonable not exceeding ten pounds per centum of such net annual value Provided that the percentage of any such allowance shall be alike in all cases where the circumstances are similar Provided further that where the owner is willing to enter into an agreement to pay rates whether the premises are occupied or not he shall be entitled to a further allowance not exceeding five pounds per centum of the said net annual value Provided also that the owner shall not be entitled to any allowance as provided by this section where the amounts due in respect of rates are not paid within three months after the rate shall have been made or within two months after the same shall have been demanded whichever shall be the later:

(2) When the Corporation exercise the option under this section of causing the owner to be rated instead of the occupier they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner accordingly and the provisions of this section shall apply within the borough in substitution for the provisions of sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 and subject to and with such substitution as aforesaid the provisions of such Act as amended by the Local Government Act 1894 shall remain in operation and shall extend and apply to the general district rate (in substitution for the provisions of section 211 of



**116.**—(1) The Corporation may as regards any portion of mortgage loans or other securities for loans to the Corporation (except securities issued under the Local Loans Act 1875) close the Corporation transfer books for such mortgage loans or other securities for a period not exceeding fifteen days immediately preceding the first day of January and the first day of July in every year. A.D. 1915.  
Closing of  
transfer  
books.

(2) The persons who on the day of such closing are inscribed as Corporation mortgagees or other obligees shall as between them and their transferees of Corporation mortgage loans and other securities be entitled to the dividend or interest or other periodical payment next payable thereon.

**117.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made may be defrayed out of the district fund and general district rate or the borough fund and borough rate as the Corporation may in their discretion having regard to the object of the expenditure deem just. Expenses of  
execution of  
Act.

**118.** Notwithstanding anything in this Act the Corporation shall not under the powers of this Act borrow any money (other than money required for paying the costs charges and expenses of this Act as hereinafter defined) during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained. Restriction  
on exercise  
of borrowing  
powers.

#### PART XIV.

##### MISCELLANEOUS.

**119.** The Corporation may upon the application of any owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to the public use within the area for the supply of electricity by the Corporation supply such premises with electrical energy and may (subject to the provisions of the Electric Lighting Acts 1882 to 1909 and the Electric Lighting (Clauses) Act 1899) lay down take up alter relay repair or renew in across or along or out of such street or road such electric lines mains cables wires and apparatus as may be requisite or proper for furnishing such supply in the same way and to the same extent and under the same conditions as if such street or road had been dedicated to public use: Power to  
lay electric  
mains in  
private  
streets.

Provided that nothing in this section contained shall apply to any street or road belonging to the Great Northern Railway

A.D. 1915. Company or the Great Northern and Great Central Railway Companies jointly except with the consent in writing of such companies respectively nor shall the Corporation in carrying out any works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street or road.

As to expenses of electricity undertaking.

**120.** Any expenses incurred by the Corporation under this Act in connection with their electricity undertaking shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

As to application of revenue of electricity undertaking.

**121.** In addition to the provisions contained in section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 relating to the application of the revenue received by the Corporation in respect of their electricity undertaking the Corporation may if they think fit instead of carrying the net surplus of such revenue remaining in any year and the annual proceeds of their reserve fund when amounting to the prescribed limit to the credit of the local rate or otherwise applying such surplus as provided by the said section apply the whole or any portion thereof to any of the purposes of their electricity undertaking including the formation of a fund for working capital :

Provided that the fund so formed shall not at any time exceed a sum equivalent to one-half of the gross annual revenue of the said undertaking for the time being.

Weight ticket or note on delivery of coke over two hundred-weight.

**122.—(1)** Where any coke sold or represented to be sold as a load by weight and exceeding two hundredweight in quantity is delivered by means of any vehicle to a purchaser the seller of such coke shall deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before such load is discharged a ticket or note as nearly as may be according to the form in the Third Schedule to the Weights and Measures Act 1889 or according to a form to the like effect.

(2) If default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note or if the quantity of coke delivered is less than the quantity expressed in the ticket or note the seller thereof shall be liable to a penalty not exceeding five pounds.



(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or other officer appointed for the purpose by the Corporation he shall be liable to a penalty not exceeding five pounds.

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(4) Any purchaser of coke in a quantity exceeding two hundredweight and any inspector of weights and measures or other officer appointed by the Corporation may require that any coke sold as aforesaid or any vehicle used for the carriage of such coke be weighed or re-weighed by any instrument stamped by an inspector of weights and measures :

Provided—

(A) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation ;

(B) Where any such coke or vehicle has at the instance of the purchaser been weighed or re-weighed in pursuance of this section and found to be of the weight stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing ;

and if any person obstructs any weighing or re-weighing authorised by this section he shall be liable to a penalty not exceeding five pounds.

(5) Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this section.

(6) For the purpose of this section "vehicle" means any carriage cart waggon truck barrow or other means of carrying coke by land in whatever manner the same be drawn or propelled but does not include a railway truck waggon or cart.

**123.**—(1) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight shall sell the same or offer or expose the same

Regulating  
sale of coke  
under two  
hundred-  
weight.

A.D. 1915. — for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight and any inspector of weights and measures or other officer appointed by the Corporation may require that any coke sold offered or exposed for sale as aforesaid be weighed or re-weighed or measured or re-measured by any instrument or measure stamped by an inspector of weights and measures Provided—

(A) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation;

(B) Where any such coke has at the instance of the purchaser been weighed or re-weighed or measured or re-measured in pursuance of this section and found to be of the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring.

(3) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in quantities not exceeding two hundredweight shall have the name and address of the seller of such coke conspicuously painted upon such vehicle.

(4) If the seller or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded or fails to comply with the other provisions of this section or obstructs any weighing or re-weighing or measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

(5) Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this section.



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(6) Public notice of the provisions of this section shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this subsection have been complied with.

**124.** The Corporation may erect or fix street fire alarms in such positions in any street road or public place as they think fit. 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: Fire alarms.

Provided also that no street fire alarm shall be erected or fixed in any street road or public place so as to interfere with or render less convenient the access to or exit from any station or depot of the Great Northern Railway Company.

**125.** The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage plying for hire within the borough to be tested and inspected before being first used and at such reasonable intervals of time as the Corporation may require and in every case in which any such taximeter or other similar apparatus shall be found to register correctly the Corporation shall grant a certificate to that effect. No such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable upon conviction to a penalty not exceeding forty shillings. Power to inspect and certify taximeters.

**126.** The Corporation may convert any clinkers or other refuse or surplus material or product arising in connection with their refuse destructor or destructors into slabs of artificial stone bricks concrete mortar material for filtration or percolation purposes at sewage disposal works and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or Power to convert destructor refuse.

A.D. 1915. — other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the destructor account in the district fund.

Power to Corporation to subscribe to hospitals &c.

**127.** The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary nursing institution or other institution of a similar character any sum not exceeding in the whole two hundred pounds per annum.

Further saving for railway companies.

**128.**—(1) Nothing in the sections of this Act hereinafter mentioned shall apply to any work constructed or to be constructed by the Great Northern or Great Central Railway Companies or any Joint Committee of those companies or by the Hull and Barnsley and Great Central Joint Committee as a part of or for the purposes of their railway under any statutory powers or to any lands held or acquired or which may hereafter be held or acquired by them respectively and used for the purposes (other than for a dwelling-house) of their railway with the authority of Parliament.

(2) The marginal notes of the sections of this Act hereinbefore referred to are the following:—

- Intersecting streets ;
- Widening of roads when only one side is built upon ;
- Frontage line in new streets ;
- Development scheme may be required in connection with new streets ;
- Courts and passages to be flagged and drained ;
- Reconstruction of drains ;
- Notice of intention to repair drains ;
- Watercourses not to be covered over except in accordance with approved plans ; and
- Regulation bins for refuse &c.

General provisions as to byelaws.

**129.** 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 whereof the marginal note is "Byelaws as to stables" and inquiries in relation thereto the Board of Agriculture and Fisheries shall be included in addition to the Local Government Board. A.D. 1915.

**130.** Whenever the Corporation or the surveyor or other duly authorised officer of the Corporation under any enactment or byelaw 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 (not being undertakers under any Act or Order made under the Tramways Act 1870 the Light Railways Act 1896 or the Electric Lighting Acts 1882 to 1909) 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 such other officer as aforesaid 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. As to liability of Corporation in executing works for owners.

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

(2) Section 189 (Evidence of appointments authority &c.) of the Act of 1904 is hereby repealed.

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Penalty on occupier resisting execution of Act.

**132.** 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 Parts IX. (Streets and Buildings) and XI. (Infectious Disease and Sanitary Provisions) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Consent of Corporation to be in writing.

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

As to breach of conditions of consent of Corporation.

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

Recovery of demands.

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

Persons acting in execution of Act not to be personally liable.

**136.** No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member or officer of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered



into bona fide subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation.

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

Powers of Act cumulative.

**138.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other Act relating to the Corporation by reason of his being liable to any rate.

Judges not disqualified.

**139.** The provisions contained in the sections of the Act of 1904 the numbers and marginal notes of which are set forth in this section shall so far as applicable extend and apply to and in relation to the like matters as if they were re-enacted in this Act.

Incorporation of further provisions of Act of 1904.

The sections hereinbefore referred to are—

- Section 185 (Inquiries by Local Government Board);
- Section 187 (Apportionment of expenses in case of joint owners);
- Section 188 (Informations &c. by whom to be laid);
- Section 190 (Authentication and service of notices &c.);
- Section 191 (As to appeal);
- Section 192 (Recovery of penalties);
- Section 193 (Damages and charges to be settled by justices);
- Section 195 (Compensation &c. how to be determined); and
- Section 196 (Saving for indictment &c.).

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[Ch. xv.] *Doncaster Corporation Act, 1915.* [5 & 6 GEO. 5.]

Repeal of sections 194 and 197 of Act of 1904.

**140.** Section 194 (Penalties to be paid over to treasurer) and section 197 (Judges &c. not disqualified) of the Act of 1904 are hereby repealed.

Saving as to general Gas Acts.

**141.** Nothing in this Act shall exempt the Corporation or the gas undertaking from the provisions of any general Act relating to the supply of gas which may be passed in this or any future session of Parliament.

Crown rights.

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

Costs of Act.

**143.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation out of the borough fund or out of the district fund or out of both of them or such other funds and revenues and in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose.



The SCHEDULES referred to in the foregoing Act.

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### THE FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN  
BY THE CORPORATION.

Work.	Nos. on deposited Plans.
Street Improvement No. (1) (A) . . .	1 2 3
Street Improvement No. (2) (A) . . .	14 17
Street Improvement No. (2) (B) . . .	18 22 to 29 31
Street Improvement No. (7) - . . .	63 64
Street Improvement No. (8) - . . .	65 to 68
Street Improvement No. (9) (A) . . .	78 79
Street Improvement No. (9) (B) . . .	84
Street Improvement No. (11) - . . .	152 to 156
Street Improvement No. (12) (A) . . .	100 101 102 104 to 134
Street Improvement No. (12) (B) . . .	135 136 137 145 to 151

### THE SECOND SCHEDULE.

#### GAS LANDS.

A piece of land 5 acres 2 roods and 20 perches or thereabouts in extent situate in the Holmes in the borough on the north-west side of and adjoining the existing gasworks of the Corporation bounded on the north-east in part by other lands of the Corporation on the south-east by the said gasworks and elsewhere by the River Don.

### THE THIRD SCHEDULE.

#### CEMETERY LANDS.

Lands 8 acres 2 roods and 12 poles or thereabouts in extent situate in Green Dyke Lane in the borough bounded on or towards the east by the cemetery authorised by the Act of 1854 on or towards the south-west by New Street on or towards the north by Green Dyke Lane and on or towards the south by land belonging or reputed to belong to the Corporation.

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## THE FOURTH SCHEDULE.

## FORM OF MORTGAGE.

By virtue of the Doncaster Corporation Act 1915 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Doncaster (hereinafter respectively referred to as "the Corporation" and "the borough") in consideration of the sum of \_\_\_\_\_ pounds paid to the treasurer of the borough by \_\_\_\_\_ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the said sum of \_\_\_\_\_ shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of \_\_\_\_\_ per centum per annum from the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ until payment of the said principal sum such interest to be paid half-yearly on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year And it is hereby agreed that the said principal sum of \_\_\_\_\_ pounds shall be repaid at the office of the town clerk in the borough [(subject as hereinafter provided) on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ ] [by \_\_\_\_\_ ]:

Provided always and it is hereby agreed, and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon and mentioned in an endorsement to be made hereon under the hands of the mayor and town clerk of the borough for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_



THE ENDORSEMENT WITHIN REFERRED TO.

A.D. 1915.

The within-named \_\_\_\_\_ consenting  
 the within-mentioned time for repayment of the within-mentioned  
 principal sum of \_\_\_\_\_ is hereby extended to  
 the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred  
 and \_\_\_\_\_ (and the interest to be paid thereon on and  
 from the \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
 nine hundred and \_\_\_\_\_ is hereby declared to be  
 at the rate of \_\_\_\_\_ per centum per annum).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
 nine hundred and \_\_\_\_\_ .

FORM OF TRANSFER OF MORTGAGE.

I (the within-named \_\_\_\_\_ of \_\_\_\_\_ )  
 in consideration of the sum of \_\_\_\_\_ pounds  
 paid to me by \_\_\_\_\_  
 of \_\_\_\_\_ (hereinafter  
 called "the transferee") do hereby transfer to the transferee (his)  
 executors administrators and assigns (the within-written security) (the  
 mortgage number \_\_\_\_\_ of the revenues of the mayor  
 aldermen and burgesses of the borough of Doncaster bearing date  
 the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred  
 and \_\_\_\_\_ ) and all my right and interest under the same subject  
 to the several conditions on which I hold the same at the time of  
 the execution hereof and I the transferee for myself my executors  
 administrators and assigns do hereby agree to take the said mortgage  
 security subject to the same conditions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
 nine hundred and \_\_\_\_\_ .

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