

[1 EDW. 8. &  
1 GEO. 6.]

*Staffordshire County  
Council Act, 1937.*

[Ch. xliv.]



## CHAPTER xliv.

An Act to confer further powers upon the Staffordshire County Council to make further provision with respect to the local government and finance of the county of Stafford and for other purposes.

A.D. 1937.

[1st July 1937.]

**W**HEREAS it is expedient that further and better provision should be made with reference to matters relating to county roads and the regulation of premises used for boxing entertainments in the administrative county of Stafford and with reference to the local government and finance of that county and that the powers conferred by this Act upon the county council of the said administrative county should be granted :

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

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

And whereas in relation to the promotion of the Bill for this Act the said county council have complied with the requirements of Part XIII of the Local Government Act 1933 :

23 & 24  
Geo. 5. c. 51.

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

A.D. 1937. Parliament assembled and by the authority of the same  
— as follows :—

## PART I.

## PRELIMINARY.

- Short title. **1.** This Act may be cited as the Staffordshire County Council Act 1937.
- Act divided into Parts. **2.** This Act is divided into Parts as follows :—  
Part I.—Preliminary.  
Part II.—County roads.  
Part III.—Boxing entertainments.  
Part IV.—Financial.  
Part V.—Miscellaneous.
- Interpre-  
tation. **3.** In this Act unless the subject or context other-  
wise requires—  
“ the county ” means the administrative county of Stafford;  
“ the Council ” means the county council of the county;  
“ the Act of 1922 ” means the Local Government and other Officers’ Superannuation Act 1922;  
“ the Act of 1933 ” means the Local Government Act 1933;  
“ county road ” means any road in the county which is for the time being vested in the Council and includes any bridge carrying any such road and the approaches to any such bridge;  
“ county district ” means any non-county borough or urban or rural district in the county;  
“ local authority ” means the council of any county district and “ the local authority ” means the council of the county district in relation to which the expression is used;  
“ daily penalty ” means a penalty for each day on which an offence is continued after conviction thereof;  
“ the county fund ” means the county fund of the county;

12 & 13  
Geo. 5. c. 59.



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“ 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 but shall not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933 ;

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“ revenues of the Council ” includes the county fund and all rates Exchequer contributions and other revenues whether arising from land or undertakings or from any other source receivable by the Council ;

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

38 & 39 Vict.  
c. 83.

## PART II.

### COUNTY ROADS.

4.—(1) Notwithstanding anything in any other enactment to the contrary the following provisions shall as from the commencement of this section have effect with respect to the opening or breaking up of the surface

As to opening and reinstatement of county roads.

A.D. 1937. or soil of any county road by any person other than any such authority company body or person as is referred to in paragraph (m) of this subsection and to the reinstatement of such road (that is to say) :—

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PART II.  
—cont.

(a) Any person who proposes for any purpose to dig or sink any trench in along or across or to open or break up the surface or soil of any county road (such person and such operations being in this section respectively referred to as “the operator” and “road works”) shall give to the clerk of the Council notice in writing of his proposals and shall in such notice specify the county road or roads affected thereby the purpose for which the road works are proposed to be executed the respective points of commencement and termination of the road works the intended width and depth of any proposed trench the position of the road works in the road or roads and the dimensions of any pipe cable wire or other thing proposed to be laid in the trench;

(b) Within seven days from the date of the receipt of any such notice as aforesaid the Council shall send to the operator a statement prescribing—

(i) the depth or minimum depth at which the Council require that any pipe cable wire or other thing proposed to be laid in the trench shall be laid Provided that any difference between the Council and the operator with respect to the depth or minimum depth so prescribed shall be determined by two justices; and

(ii) the manner in which the trench shall be filled up by the operator;

and specifying the sum to be paid by the operator as hereinafter provided in respect of the reinstatement and making good by the Council of the surface of the road in accordance with paragraph (j) of this subsection;

(c) The Council may if they think fit send with any such statement a requirement that before commencing to execute the road works the



operator shall pay or give to the Council such security as they may reasonably require for the payment of the sum specified in the statement;

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PART II.  
—cont.

(d) It shall not (except in cases of emergency) be lawful for any person to commence to execute any road works in or in relation to any county road—

(i) until after the expiration of seven days from the date on which he gave notice under paragraph (a) of this subsection; or

(ii) where the Council make any such requirement as is referred to in paragraph (c) of this subsection until after he shall have paid to the Council or given to the Council such security as they may reasonably require for the payment of the sum specified in the statement sent to him by the Council;

(e) Not less than three days before commencing to execute any road works in or in relation to any county road the operator shall give to the clerk of the Council notice in writing of the time and place at which he proposes to commence such execution and the Council and their officers shall be entitled to superintend the execution of the road works :

Provided that any operator to whom the Council have sent any such requirement as is referred to in paragraph (c) of this subsection shall not be entitled to give notice under this paragraph until he shall have complied with that requirement;

(f) The operator shall in accordance with the prescription contained in the statement sent to him by the Council fill in the trench dug or sunk by him but shall not reinstate the surface of the road and upon the completion of such filling in shall give notice thereof in writing to the Council;

(g) If the Council on the report of their surveyor shall be of opinion that the said trench has not been filled in in accordance with the said prescription they may at any time within a period

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PART II.  
—cont.

of forty-eight hours (excluding from the computation of that period any part of a Sunday Christmas Day Good Friday or any bank or other public holiday) from the time of the receipt by the Council from the operator of a notice under paragraph (f) of this subsection give to the operator notice of their further requirements with respect to such filling in whereupon the notice previously given by the operator shall become void and of no effect and the operator shall comply with such further requirements and upon the completion of such compliance give to the Council notice in writing of such completion;

- (h) It shall be the right and duty of the Council (to the exclusion of the operator) to reinstate and make good the surface of the portion of the county road opened or broken up or damaged or otherwise interfered with by the operator;
- (i) The Council shall not be held liable or responsible for or in respect of any accident or occurrence which may happen before the expiration of such a period of forty-eight hours as aforesaid from the time of the receipt by the Council of a notice under paragraph (f) or paragraph (g) (as the case may be) of this subsection by reason or in consequence of the execution of the road works or of the trench not having been filled in or of the surface of the county road not having been reinstated or made good but the Council shall indemnify the operator from and against all claims demands damages costs charges and expenses which may be made against or incurred by the operator in respect of any such accident or occurrence which may happen after the expiration of the said period of forty-eight hours Provided that nothing in this paragraph shall affect any liability of the operator in respect of any accident or occurrence which may happen before the expiration of the said period of forty-eight hours;
- (j) As soon as practicable after the receipt from the operator of any such notice as is referred to in paragraph (f) or paragraph (g) (as the case may



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be) of this subsection the Council shall proceed to reinstate and make good the surface of the portion of the county road opened or broken up or damaged or otherwise interfered with by the operator to the condition in which it was immediately before such opening or breaking up or the occurrence of such damage or interference ;

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(k) In any case in which the Council shall not have received from the operator payment of the sum specified in the statement sent to him pursuant to paragraph (b) of this subsection the Council may at any time after the completion of such reinstatement and making good send or deliver to the operator a demand for such payment and thereupon the said specified sum shall be a debt due to the Council from the operator and may be recovered by the Council from the operator either summarily as a civil debt or as a simple contract debt in any court of competent jurisdiction. Provided that the time within which summary proceedings may be taken for the recovery of any such sum shall be reckoned from the date of the sending or delivery of a demand therefor ;

(l) If any person—

(A) contravenes the provisions of paragraph (a) or paragraph (d) of this subsection ;  
or

(B) fails to give any notice required by any other provision of this subsection or obstructs the superintendence or execution by the Council or their surveyor or any such officer as aforesaid of any work which the Council or their surveyor are or is by this subsection authorised or required to superintend or execute ;

he shall be liable—

(i) for any such contravention as is referred to in subparagraph (A) of this paragraph to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds ;  
and

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—cont.

(ii) for any such offence as is referred to in subparagraph (B) of this paragraph to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings;

(m) The provisions of this subsection shall not apply to any person being—

(i) a local authority; or

(ii) a body constituted by or under the authority of any Act of Parliament or Order having the force of an Act and thereby or by virtue thereof empowered to lay down any sewer or drain; or

(iii) a company body or person authorised by Act of Parliament or Order having the force of an Act to carry on an undertaking for the supply of gas water or electricity; or

(iv) a company body or person authorised by Act of Parliament or Order having the force of an Act to construct any railway light railway or tramway or to equip any route for the running of trolley vehicles;

(n) As respects any county road in relation to which the Council delegate or have delegated to the council of any county district the functions of the Council with respect to the maintenance repair and improvement thereof the Council may if they think fit delegate to that council (either temporarily or subject to such conditions as to revocation of the delegation as the Council may think fit) their functions under this subsection and as respects any county road with reference to which the Council have exercised the powers of this paragraph the foregoing provisions of this subsection (other than paragraph (a) thereof) shall during the continuance of the delegation have effect as if the council of the county district had been referred to therein instead of the Council. Provided that in any case in which a notice is given to the Council under paragraph (a) of this subsection in relation to any county road with reference to which the Council have delegated their functions as aforesaid they shall forthwith transmit a copy



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of the notice to the council of the county district concerned and notify the person by whom the notice was given of the delegation and of the consequences thereof under the provisions of this paragraph;

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—cont.

(o) Nothing in this subsection shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1926;

(p) Nothing in this subsection shall—

(i) confer upon any person any right to open or break up or interfere with any county road which would not have been exerciseable by him; or

(ii) except as by this subsection expressly provided relieve any person from any obligation or liability to which he would have been subject;

if this subsection had not been enacted.

(2) The Council on the one hand and any such local authority company body or person as is referred to in paragraph (m) of subsection (1) of this section (each of whom is in this subsection referred to as an “undertaker”) on the other hand may enter into and carry into effect agreements and arrangements for and with respect to the execution by the Council for and on behalf of the undertaker upon and subject to such terms and conditions (including the making of payments by the Council or the undertaker) as may be agreed of any road works proposed to be executed by the undertaker in or in relation to any county road. For the purposes of this subsection the Postmaster-General is hereby included in the expression “undertaker” in respect of telegraph works affecting any county road.

(3) In and for the purposes of this section the expression “county road” includes any portion of road situate on a bridge over any railway or canal or on the approaches to any such bridge where such portion of road is for the time being repairable by the Council under an agreement between them and the company or body owning the railway or canal.

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PART II.  
—cont.Stopping  
up and  
diversion  
of county  
roads.

5.—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Council that a county road is unnecessary may by order authorise the stopping up thereof and if so satisfied that a county road can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted.

Any such application or order may be made with respect to any length of a county road and in the subsequent provisions of this section any reference to a county road shall be construed as a reference to the length thereof to which the application or order relates.

(2) No order shall be made under subsection (1) of this section unless the court is satisfied that notice of the intention to make the application specifying the time and place at which it is to be made and the order which will be asked for and embodying a plan showing what will be the effect of the order asked for—

(a) has at least twenty-eight days before the date on which the application is made been served either personally or by registered post on the owners or reputed owners and the occupiers of all land abutting on the county road and (in any case in which the Council are aware of the existence in or under the county road of any sewers or drains or any mains pipes wires cables or apparatus for conveying or transmitting gas water or electricity and the owners of such sewers drains mains pipes wires cables or apparatus are known to the Council) on such owners and (when the application relates to a classified road as defined in the Local Government Act 1929) on the Minister of Transport; and

(b) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the county road as are reasonably sufficient for notifying persons using the county road of the application;

and that a similar notice (except that there may be substituted for the plan a statement of the place where such plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four



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successive weeks in a local newspaper circulating in the county district in which the county road is situate.

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(3) On the hearing of such an application the Council and any person who is interested in land abutting on or served by the county road or uses such road or is otherwise aggrieved shall have a right to be heard and an appeal against the decision of the court may be brought to quarter sessions either by the Council or by any such person as aforesaid who was or claimed to be heard by the court.

(4) For the purposes of the provisions of the Summary Jurisdiction Act 1879 (as amended by the Summary Jurisdiction (Appeals) Act 1933) with respect to appeals to quarter sessions—

42 & 43 Vict.

c. 49.

23 & 24

Geo. 5. c. 38.

(a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order;

(b) in a case where more than two persons were heard or claimed to be heard in opposition to an application under this section it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk to the court of summary jurisdiction but any of those persons whether served with such a notice or not may appear at quarter sessions as respondents to the appeal;

(c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a re-hearing.

(5) Every order made under this section shall have annexed thereto a plan signed by the chairman of the court and shall be binding on all persons whatsoever.

(6) Provided that—

(i) nothing in this section shall authorise the diversion over any land of any county road unless the written consent of every person interested in that land is produced to and deposited with the court;

(ii) an order under this section authorising the diversion of a county road shall not authorise

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PART II.  
—cont.

the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace for the county.

(7) Where an order is made by a court of summary jurisdiction under this section authorising the stopping up or diversion of a county road the clerk of the court shall forthwith transmit the order to the clerk of the peace for the county together if the order be for diverting a county road with the written consents produced to the court and the clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (6) of this section among the records of quarter sessions.

(8) Where any county road is diverted in accordance with an order made under this section the substituted road shall be repairable by the person by whom the original county road was repairable.

(9) Any application or order under this section—

(a) may include two or more county roads which are connected with each other;

(b) may relate to the stopping up or diversion of a county road for the purposes of all traffic or subject to the reservation of a bridleway or footway.

(10) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

Stopping  
up of level  
crossings.

6. Where any county road is crossed on the level by a railway and the Council by agreement with the company owning such railway substitute for such level crossing a bridge over or a road under the railway then at any time after the opening for public traffic of the bridge over or of the road under the railway (as the case may be) the Council may by order stop up—

(a) the level crossing; and

(b) where such bridge is constructed otherwise than on the line of the existing road so much of the said road on either side of the level crossing and



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of any road connecting with that road as is not required to be kept open as a means of access to any premises situate between the level crossing and either of the terminal points of the diverted portion of road and as is rendered unnecessary by reason of the construction of the bridge and the approaches (if any) thereto;

and upon the making of such order all rights of way over the level crossing and any portion of road so stopped up shall by virtue of this Act be extinguished. Provided that the Council shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and that in case of disagreement between the Council and any such party as to the amount of such compensation the question of that amount shall be referred to and determined under and in accordance with the provisions of the Arbitration Acts 1889 to 1934 by an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Chartered Surveyors' Institution.

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PART II.  
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7.—(1) In this section—

“ apparatus ” means sewers and drains and mains pipes wires cables or apparatus for conveying or transmitting gas water or electricity; and

“ statutory undertakers ” means any local authority and also any company body or person carrying on under statutory powers an undertaking for the supply of gas water or electricity and “ the statutory undertakers ” means the statutory undertakers owning the apparatus in relation to which that expression is used.

As to  
diversion  
&c. of  
apparatus.

(2) If it shall be agreed between the Council and any statutory undertakers or (in case of difference) determined by arbitration that in consequence of—

(a) the stopping up or diversion of a county road or part of a county road under the powers of the section of this Act of which the marginal note is “ Stopping up and diversion of county roads ”; or

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(b) the stopping up of a level crossing or of a part of a road under the powers of the section of this Act of which the marginal note is "Stopping up of level crossings";

it is reasonably necessary that any apparatus belonging to the statutory undertakers and situate in or under the county road or part of a county road stopped up or diverted or the level crossing or part of a road stopped up should be removed or diverted the statutory undertakers may remove or divert the apparatus accordingly.

(3) Any such diversion of apparatus shall be carried out in accordance with plans sections and particulars to be previously submitted by the statutory undertakers to and reasonably approved by the Council or failing such approval determined by arbitration as hereinafter provided. Provided that unless within one month after the submission to them of any such plans sections and particulars the Council intimate in writing to the statutory undertakers their objection thereto or make any requirement with reference thereto they shall be deemed to have approved the said plans sections and particulars as submitted to them.

(4) Forthwith after the completion of any such removal or diversion of apparatus the statutory undertakers shall to the reasonable satisfaction of the Council fill in the excavation and make good the surface of the ground.

(5) The Council shall repay to the statutory undertakers the amount of the costs and expenses reasonably incurred by those undertakers in carrying out any such removal or diversion of apparatus as aforesaid and in carrying out their obligations under this section except in the case of any statutory undertakers who under the provisions of any Act or Order (other than this Act) relating to them are required at their own expense to remove or alter their apparatus for the purposes of or in connection with any alteration by the Council of the road in or under which such apparatus is situate in which case the said costs and expenses shall be borne by the statutory undertakers.

(6) Any difference arising between the Council and any statutory undertakers under the provisions of this section shall be referred to and determined by an



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arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either of the said parties (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

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PART II.  
—cont.

### PART III.

#### BOXING ENTERTAINMENTS.

8.—(1) As from the commencement of this Part of this Act a boxing entertainment shall not be given within the county elsewhere than in premises licensed for the purpose in accordance with the provisions of the next succeeding section of this Act.

Boxing entertainments to be given only in licensed premises.

(2) For the purposes of this Part of this Act "boxing entertainment" means any public contest or display of boxing except such as may be provided or given—

(a) by travelling showmen at pleasure fairs;

(b) in premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under the said Act are complied with as though such contest or display were a stage play;

6 & 7 Vict.  
c. 68.

(c) by bona fide associations clubs hospitals or societies which are not carried on for profit;

(d) by members of the Boy Scouts Association or of any organisation formed by the Boy Scouts Association in pursuance of their charter;  
or

(e) by any school.

9.—(1) The Council may grant licences to such persons as they think fit to use the premises specified in the licence for the purpose of a boxing entertainment on such terms and conditions and subject to such restrictions as they by the respective licences prescribe.

Boxing entertainment licences.

(2) A licence granted under this section shall be in force for such period (to be stated in the licence) not exceeding thirteen months as the Council on the grant

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PART III.  
—cont.

of the licence may determine unless it shall have been previously revoked as hereinafter provided Provided that the Council may if they think fit grant a licence hereinafter referred to as an "occasional licence" for the use of any premises for a boxing entertainment on such one or more particular occasions only as may be specified in the licence.

(3) The Council may transfer any licence granted under this section to such persons as they think fit.

(4) An applicant for a licence or a transfer or renewal of a licence (other than an occasional licence) under this section shall give not less than twenty-one days' notice in writing of his intention to make such application to the Council and to the chief officer of police of the police division of the county in which the premises to which the application relates are situate.

(5) Any person making application under this section for the grant renewal or transfer of a licence shall when making the application pay to the Council such fee as the Council may fix not exceeding—

	£	s.	d.
(a) in respect of the grant or renewal of a licence for any period not less than one year ... ..	2	0	0
(b) in respect of the grant or renewal of a licence for any period less than one year ten shillings for every month for which it is granted or renewed so however that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed ...	2	10	0
(c) in respect of the grant of an occasional licence ... ..	0	10	0
(d) in respect of the transfer of a licence ... ..	0	5	0

(6) Except where the licence is an occasional licence there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main entrance of every premises licensed under this section



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an inscription so as to be easily legible in the following terms :—

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“ Licensed in pursuance of the Staffordshire County Council Act 1937 for use for boxing entertainments.”

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(7) Any premises used for the purpose of a boxing entertainment although licensed under this section shall not be open for that purpose except on the days and between the hours stated in the licence.

10.—(1) A police constable or any person appointed for the purpose by the Council may at all reasonable times enter any premises licensed under this Part of this Act in which he has reason to believe that a boxing entertainment is being or is about to be given with a view to seeing whether the provisions of this Part of this Act and the terms conditions or restrictions on or subject to which any licence under this Part of this Act has been granted have been complied with.

Powers of  
entry and  
inspection.

(2) A police constable or any person appointed for the purpose by the Council may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any premises in respect of which he has reason to suspect that an offence under this Part of this Act is being committed.

(3) Every person who refuses to permit any such constable or person to enter or inspect any such premises in accordance with the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

11. The Council if they think fit may (subject to the provisions of this Part of this Act) make regulations prescribing generally the terms conditions and restrictions on and subject to which licences under this Part of this Act may be or are to be granted or transferred and if any such regulations be made every such licence shall (without prejudice to the powers of the Council to grant a licence on and subject to any special terms conditions or restrictions) be deemed to be granted subject to the regulations.

Power to  
make  
regulations.

Prima facie evidence of any regulation so made may be given in any legal proceedings by the production of a copy purporting to be certified as a true copy by the

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—cont.

clerk or some other officer of the Council authorised to give a certificate for the purpose of this section and no proof shall be required of the handwriting or official position or authority of any person giving such a certificate.

Power to  
revoke  
licences.

**12.** If the holder of a licence granted under this Part of this Act be convicted of any breach or disregard of any of the terms conditions or restrictions on or subject to which the licence has been granted the licence may be revoked by the Council.

Penalties.

**13.** Every occupier of any premises in the county who after the commencement of this Part of this Act uses those premises or allows those premises to be used—

- (i) for a boxing entertainment without a licence; or
- (ii) otherwise in contravention of the provisions of this Part of this Act or of the terms conditions or restrictions on or subject to which any licence relating to the use of the premises for a boxing entertainment has been granted;

shall be liable—

- (a) in respect of an offence under paragraph (i) of this section to a penalty not exceeding fifty pounds and to a daily penalty not exceeding five pounds; and
- (b) in respect of an offence under paragraph (ii) of this section to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Saving for  
residential  
areas under  
planning  
schemes.

**14.** Nothing in this Part of this Act shall authorise the Council (except with the consent of the local authority) to grant a licence to use for any of the purposes included within the meaning of a boxing entertainment any premises which are situate within any area reserved for residential purposes only in any planning scheme made under the Town and Country Planning Act 1932.

22 & 23  
Geo. 5. c. 48.Appeals  
under Part  
III of Act.

**15.—**(1) Any person aggrieved by any requirement refusal or other decision of the Council or of any officer thereof under this Part of this Act may appeal to a court of summary jurisdiction.



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(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

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PART III.

—cont.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Council with regard to the same matter.

(5) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

(a) no proceedings in respect of any failure to execute the work or take the action shall be taken;

(b) the Council shall not execute such work or take such action; and

(c) any such person may carry on such business and use such premises for such purpose;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(6) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Council then subject to any appeal by the

A.D. 1937.

PART III.  
—cont.

Council under the section of this Act of which the marginal note is "As to appeals" effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

## PART IV.

## FINANCIAL.

Power to  
borrow.

**16.**—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow—

- (a) without the consent of any sanctioning authority such sums as may be necessary for paying the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act";
- (b) such sums as may be requisite for the purpose of lending to a local authority under the section of this Act of which the marginal note is "Power to lend money to local authorities."

(2) The Council shall pay off all moneys borrowed under paragraph (a) of the foregoing subsection within such period as the Council may determine not exceeding five years from the date of the passing of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX.

Power to  
lend  
money  
to local  
authorities.

**17.**—(1) The Council may lend to any local authority and the local authority may borrow from the Council such money as the Council think fit to lend and as the local authority are authorised to borrow for the purpose for which such money is proposed to be borrowed.

(2) The provisions of the County Councils (Advances to Parish Councils) Order 1934 or any other Order made by the Minister of Health and for the time being in force under section 201 of the Act of 1933 shall apply to any



[1 EDW. 8. &  
1 GEO. 6.]

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money lent under the powers of this section as if any local authority were a parish council. A.D. 1937.

(3) Nothing in this section shall authorise the Council to lend any money for purposes for which a power to lend money is conferred by section 124 of the Housing Act 1936.

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PART IV.  
—cont.

26 Geo. 5. &  
1 Edw. 8.  
c. 51.

18. Notwithstanding anything in this Act or any other enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as an insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

Use of  
moneys  
forming  
part of  
sinking and  
other funds.

(1) The moneys so used shall be repaid out of the county fund to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable. Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the county fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

(2) In the accounts of the county fund an amount equal to interest (calculated at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power) on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the purpose with reference to which the moneys are so used:

(3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had

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PART IV.  
—cont.

been raised in exercise of the power and the provisions of Part IX of the Act of 1933 as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Power to  
issue  
bonds.

**19.**—(1) In addition to any other form of borrowing the Council may exercise any statutory borrowing power by the issue of bonds to be called “ Staffordshire County bonds ” (and in this Act referred to as “ bonds ”) in accordance with the provisions of this Act.

(2) Where the Council raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by way of mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the First Schedule to this Act shall have effect with regard to bonds.

62 & 63 Vict.  
c. 9.  
7 Edw. 7.  
c. 13.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

54 & 55 Vict.  
c. 39.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Receipts  
on behalf  
of infants.

**20.** The receipt of the guardian of an infant shall be a sufficient discharge to the Council for any money payable to the infant in respect of any security of the Council other than a mortgage or bond.

Interest  
orders  
by post.

**21.**—(1) The Council may give notice to any person being registered as a holder of any security of the Council that they intend to send interest to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Council of such objection the Council may from time to time send letters containing orders for the payment of interest to the address of such person appearing in the register Provided that if such person gives notice to the Council that he desires such orders to be sent to another person at a given address the Council may from time



[1 EDW. 8. &  
1 GEO. 6.]

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to time send letters containing the same to such other person at such address.

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PART IV.  
—cont.

(2) Where more persons than one are registered as joint holders of any security of the Council any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Council by any other of them.

(3) The posting by the Council of a letter containing an order for the payment of interest in pursuance of this section shall as respects the liability of the Council be equivalent to the delivery of the order to the registered holder of the security of the Council.

(4) Every order so sent by post shall be deemed to be a cheque and the Council shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

45 & 46 Vict.  
c. 61.

(5) For the purposes of this section the expression "security" does not include stock.

22.—(1) Notwithstanding anything in any Act or Order relating to the Council on and after the date of the passing of this Act the Council may (if they think fit) establish a separate account of the county fund to be called "the consolidated loans fund account" to which shall be transferred—

Consolida-  
ted loans  
fund  
account.

(a) all moneys borrowed by the Council by the grant or issue of any security of the Council together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose; and

(c) the appropriate sums provided in each year out of other accounts or funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund account the unapplied balances

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PART IV.  
—cont.

of all moneys so borrowed or received and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund account is established.

(2) The sums standing to the credit of the consolidated loans fund account shall be used or applied by the Council—

(a) in the redemption of any security of the Council the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Council; and

(b) in the exercise of any statutory borrowing power by the transfer of the required amount to the appropriate fund and account of the Council:

And the sums standing to the credit of the consolidated loans fund account not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be credited on receipt to the consolidated loans fund account and the sums standing to the credit of the consolidated loans fund account shall not except with the consent of the Minister of Health be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund account such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that account and separate accounts shall be kept of these sums and their application.

(4) The Council may transfer to the consolidated loans fund account any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the lending fund was established; and



[1 EDW. 8. &  
1 GEO. 6.]

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(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings.

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PART IV.  
—cont.

(5) Save as in this section expressly provided all the obligations of the Council to the holders of any security of the Council shall continue in force.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) The powers conferred by this section shall not be put into operation by the Council except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund account. Any such scheme may be altered or revoked by a subsequent scheme to be approved by the said Minister.

**23.** The interest received in any year from the investment of any sums forming part of any sinking fund established for the repayment of any money borrowed by means of securities issued under the Local Loans Act 1875 or of any fund established under any of the sections of this Act of which the marginal notes are respectively "General insurance fund" "Fidelity insurance fund" and "Employers' liability insurance fund" shall notwithstanding the provisions of any enactment relating to any such sinking fund or of the said sections form part of the revenue for that year of the county fund but (subject in the case of any of the said funds to any prescribed limit on the amount thereof)—

As to  
interest  
accruing  
on certain  
funds.

(a) the contributions to be made by the Council to any such sinking fund shall in that year be increased by a sum equal to the interest that would have accrued to such fund during that year if interest had been accumulated therein at the rate per centum per annum on which the annual payments to the fund are based; and

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PART IV.  
—cont.

(b) the yearly payment to be made to each of the other funds by the Council pursuant to the respective sections relating thereto shall in that year be increased by a sum equal to the amount of the interest received from the investment of the sums forming part of the fund.

Closing of  
registers.

**24.**—(1) The Council may close the register of transfers of any class of security of the Council for a period not exceeding thirty days next before any date on which any interest or dividend on the class of securities to which such register relates are payable. Provided that this subsection shall not apply with respect to the register of transfers of any stock created by the Council in pursuance of any regulations made by the Minister of Health under section 204 of the Act of 1933.

(2) Any transfer of any security of the Council made during the period when the register of transfers of such security is closed shall as between the Council and the persons claiming under the transfer (but not otherwise) be considered as made subsequently to the payment of the dividend or interest on such security as the case may be.

As to pay-  
ments due  
to deceased  
employees.

**25.**—(1) On the death of an employee (which expression in this section includes a former employee or pensioner) of the Council to whom or to whose legal personal representative a sum not exceeding one hundred pounds is due on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation or other fund with or without interest if probate of the will of the employee or letters of administration to his estate are not produced within such time (not being less than one month after his death) as the Council may think reasonable then at the expiration of that time the Council may pay the sum to the person or persons entitled in distribution to the residuary estate of the employee in accordance with the provisions of paragraphs (i) to (v) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 and in default of any such person to the Solicitor for the Affairs of His Majesty's Treasury. Provided that—

(a) the Council may if they think fit pay to any person who has paid the funeral expenses of the

15 & 16  
Geo. 5. c. 23.  
16 & 17  
Geo. 5. c. 60.



[1 EDW. 8. &  
1 GEO. 6.]

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deceased employee such amount (not exceeding the total amount of such expenses) as the Council shall deem it reasonable to allow;

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PART IV.  
—cont.

(b) if the Council receive notice in writing of any claim of a creditor of the deceased employee before the expiration of one month from the death of the employee they shall retain the whole amount due to the deceased employee in their hands or a sufficient sum thereof to satisfy the claim (whichever amount shall be the less) until the claim has been satisfied disproved or withdrawn.

(2) The Council before paying or distributing any moneys under this section to or among any person or persons other than the legal personal representative of the deceased employee shall require—

(a) where the total estate of the deceased employee including the amount of such moneys does not after deduction of debts and funeral expenses exceed one hundred pounds a declaration to that effect by the person or one of the persons to or among whom the Council propose to pay or distribute such moneys; and

(b) where the total estate of the deceased employee including the amount of such moneys but after deduction of debts and funeral expenses exceeds one hundred pounds the production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and of a duly stamped receipt for the legacy or succession duty payable in respect of such moneys or of a certificate stating that no legacy or succession duty is payable.

**26.**—(1) Subject to the provisions of this section where a person entitled to receive from the Council any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 as amended by any enactment the Council may pay the whole of that sum or so much thereof as they think fit to the institution or person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the

Payment  
of pension  
&c. of  
person of  
unsound  
mind.

53 & 54 Vict.  
c. 5.

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PART IV.  
—cont.

surplus if any thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

(2) This section applies to any sum payable by the Council to an employee or former employee or pensioner of the council or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(3) Not less than fourteen days before exercising for the first time in relation to a person detained as aforesaid their power under subsection (1) of this section the Council shall give to the master in lunacy notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Council intend to exercise the said power.

(4) If at any time the master in lunacy gives to the Council notice in writing that he objects to the exercise by the Council of the said power in relation to any person the said power shall as from the date of the receipt by the Council of the notice cease to be exerciseable by the Council in relation to that person unless and until the master withdraws the notice.

(5) The Council shall be discharged from all liability in respect of—

- (a) any payment or application of money effected by them in exercise of the said power; and
- (b) any payment or application of money effected by them before the commencement of this Act which might have been effected by them in exercise of the said power if the provisions of subsections (1) and (2) of this section had been in force at the date of the payment or application and had applied to sums of any amount.

General  
insurance  
fund.

27.—(1) The Council may if they think fit but without prejudice to the right of the Council to effect insurances establish a fund (to be called "the general



[1 EDW. 8. &  
1 GEO. 6.]

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insurance fund") for the purpose of meeting or making good any loss or liability of the Council arising by loss or destruction of or damage to such buildings or other works or property belonging to or on loan to or under the care custody or control of the Council as the Council may think fit.

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PART IV.  
—cont.

(2) In each year after the establishment of the general insurance fund the Council shall pay into that fund either—

- (a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Council fully insured any such buildings works and property against loss or liability sustained by the Council in some public insurance office in England; or
- (b) if the Council partly insure any such buildings works and property against loss or damage in a public insurance office as aforesaid such sum as will together with the premiums paid for the last-mentioned insurance be equal to the aggregate amount aforesaid.

(3) When the general insurance fund shall amount to the sum of one hundred thousand pounds the Council may if they think fit discontinue the yearly payments to the fund but if the said fund is at any time reduced below one hundred thousand pounds the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (2) of this section until the fund be restored to the sum of one hundred thousand pounds.

(4) The Council shall provide the yearly payments aforesaid by contributions from the county fund and shall show the same in their accounts under the separate heading or division in respect of the rents and revenues of the lands buildings works property and undertakings or the respective funds or rates which if the buildings works and property were insured in a public insurance office would be properly chargeable with the payment of the premiums of such insurance.

(5) The general insurance fund may be applied to meet any loss or liability sustained by the Council in consequence of risks for which it is intended to provide.

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PART IV.  
—cont.

(6) Except so far as the general insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet loss or liability sustained by the Council or are used in manner authorised by the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds" all moneys for the time being standing to the credit of the general insurance fund shall unless paid into any consolidated loans fund account established under the powers of the section of this Act of which the marginal note is "Consolidated loans fund account" be invested in statutory securities and such securities may from time to time be varied by the Council and the interest and annual proceeds arising from those securities shall be so invested and accumulated until the said fund amounts to one hundred thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the county fund and shall be apportioned in the accounts of the Council between the funds and rates out of which any such yearly payments are or would be payable and in such proportions as the Council may deem just.

(7) If at any time and from time to time the general insurance fund shall be insufficient to make good any loss or liability sustained by the Council the Council may with the sanction of the Minister of Health borrow at interest such sums of money as will be necessary to make up the deficiency.

Fidelity  
insurance  
fund.

**28.**—(1) The Council may if they think fit but without prejudice to the right of the Council to effect insurances establish a fund (to be called "the fidelity insurance fund") for the purpose of meeting or making good any loss incurred by the Council by reason of any misappropriation or wrongful dealings with any moneys or securities of the Council by any officer or servant of the Council or the loss of any such moneys or securities while in the hands or under the control of any such officer or servant and shall until the fund amounts to such sum (not being less than five thousand pounds) as the Council may determine pay into such fund each year such sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Council fully insured against such liability in some public insurance office in England.



[1 EDW. 8. &  
1 GEO. 6.]

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(2) If the fidelity insurance fund is at any time reduced below five thousand pounds the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (1) of this section until the fund be restored to the sum of five thousand pounds.

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PART IV.  
—cont.

(3) The Council shall provide the yearly payments aforesaid by contributions from the county fund and shall show the same in their accounts under the separate heading or division in respect of the funds and rates out of which the salaries or wages of the officers or servants in respect of whom such payments are made are respectively paid in such proportions as the Council may deem just.

(4) Except so far as the fidelity insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet any loss incurred by the Council as aforesaid or are used in manner authorised by the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds" all moneys from time to time standing to the credit of the said fund shall unless paid into any consolidated loans fund account established under the powers of the section of this Act of which the marginal note is "Consolidated loans fund account" be invested in statutory securities and such securities may from time to time be varied by the Council and the interest and annual proceeds from time to time arising from those securities shall be invested in the like securities and accumulated until the fidelity insurance fund amounts to the sum of five thousand pounds and when and so long as the said fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the county fund and shall be apportioned in the accounts of the Council between the funds or rates out of which any such yearly payments thereto are or would be payable and in such proportions as the Council may deem just.

(5) The fidelity insurance fund may be applied to meet or make good any loss incurred by the Council in consequence of risks for which it is intended to provide.

**29.**—(1) The Council may if they think fit but without prejudice to the right of the Council to effect insurances establish a fund (to be called "the employers'

Employers'  
liability  
insurance  
fund.

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PART IV.  
—cont.  
43 & 44 Vict.  
c. 42.  
15 & 16  
Geo. 5. c. 84.

liability insurance fund”) which in the event of any liability arising on the part of the Council towards any one of their officers servants or workmen or to third parties under the common law or the Employers’ Liability Act 1880 the Workmen’s Compensation Act 1925 or any Act or Acts repealed by or for the time being amending those Acts or any of them or extending the class of such liability or otherwise in respect of accidents to officers servants or workmen of the Council or to third parties shall be available for the purpose of discharging any claim duly made by any such officer servant or workman or third party under the said Acts or any of them or at common law.

(2) In each year after the establishment of the employers’ liability insurance fund the Council shall pay into that fund either—

- (a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Council fully insured against every such liability as aforesaid in some public insurance office in England; or
- (b) if the Council partly insure against the said liabilities in a public insurance office as aforesaid such sum as will together with the premiums paid for the last-mentioned insurance be equal to the aggregate amount aforesaid.

(3) When the employers’ liability insurance fund shall amount to the sum of twenty-five thousand pounds the Council may if they think fit discontinue the yearly payments to that fund but if the said fund is at any time reduced below the sum of twenty-five thousand pounds the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (2) of this section until the fund be restored to the sum of twenty-five thousand pounds.

(4) The Council shall provide the yearly payments aforesaid by contributions from the county fund and shall show the same in their accounts under the separate heading or division in respect of the funds and rates out of which the salaries or wages of the officers servants or workmen are respectively paid in such proportions as the Council may deem just.



(5) Except so far as the employers' liability insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet the aforesaid liabilities or are used in manner authorised by the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds" all moneys from time to time standing to the credit of the employers' liability insurance fund shall unless paid into any consolidated loans fund account established under the powers of the section of this Act of which the marginal note is "Consolidated loans fund account" be invested in statutory securities and such securities may from time to time be varied by the Council and the interest and annual proceeds arising from those securities shall be invested in the like securities and accumulated until the fund amounts to the sum of twenty-five thousand pounds and when and so long as the employers' liability insurance fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the county fund and shall be apportioned in the accounts of the Council between the funds and rates out of which any such yearly payments are or would be payable and in such proportions as the Council may deem just.

(6) For the purposes of this section the Council may if they deem it expedient include in the risks provided for under subsection (1) of this section risks of accident to any person employed in any school college educational institute or hostel maintained by the Council notwithstanding that such school college educational institute or hostel has not been provided by the Council as the local education authority.

**30.**—(1) If within one month before the date on which an officer would if he ceased to hold his office or employment first become entitled to a superannuation allowance under paragraph (b) or paragraph (c) of subsection (1) of section 6 of the Act of 1922 or at any time thereafter prior to the date on which he actually ceases to hold his office or employment he gives notice in writing to the Council requiring that the provisions of this section shall apply to him and to any wife to whom he is married on the date on which he commences to receive a superannuation allowance or (if he dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have

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PART IV.  
—cont.

Annuities  
for  
widows.

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PART IV.  
—cont.

been entitled to a superannuation allowance) to any wife to whom he is married at the date of his death then unless the Council (being of opinion that the state of health of such person regard being had to his age is not reasonably satisfactory) notify him or his legal personal representative within one month after the receipt of the notice that they do not intend to comply with the requirement the following provisions shall have effect:—

(a) The amount of the superannuation allowance payable to the officer shall in any case covered by the Second Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in that schedule as appropriate in relation to the ages of such officer and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by an actuary to be just;

(b) If the officer predeceases his wife and—

(i) was in receipt of or entitled to a superannuation allowance; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately before his death have been entitled to a superannuation allowance;

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable to him under the Act of 1922 if he had not given a notice under this section.

(2) The Minister of Health may on application made by the Council by order alter as respects any officer giving notice under subsection (1) of this section after the date of the order any of the percentages specified in the Second Schedule to this Act so far as may be necessary to secure that the benefits provided by this section for the officer and his wife shall be actuarially equivalent to the benefits to which the officer would



[1 EDW. 8. &  
1 GEO. 6.]

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have been entitled if he had not given such notice as aforesaid. A.D. 1937.

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—cont.

(3) Subsection (2) of section 12 (Return of contributions in case of death) of the Act of 1922 shall not apply in respect of any officer who has given notice under subsection (1) of this section.

(4) If the officer shall die before he would have been entitled to receive by way of superannuation allowance if he had not given notice under subsection (1) of this section an amount in the aggregate equal to the amount of his contributions to the superannuation fund with compound interest thereon at the rate of three per centum per annum calculated by half-yearly rests the Council shall pay to his legal personal representative the difference between the amount which the officer would have been entitled to receive by way of superannuation allowance up to the date of his death if he had not given such notice and the sum to which his contributions to such fund with such compound interest thereon at the rate and calculated as aforesaid amounted at the date of his retirement.

(5) An annuity under this section shall be payable out of the superannuation fund :

Provided that if the superannuation allowance of the officer was by reason of the proviso to subsection (1) of section 16 of the Act of 1922 not payable wholly out of the superannuation fund such proportion only of the annuity shall be paid out of the superannuation fund as corresponds to the portion of the said superannuation allowance which was so payable and the balance shall be paid out of the county fund.

(6) A notice under this section may be given in respect of either the whole or a specified part of an allowance and where it is given in respect of a specified part only of an allowance references in this section to the superannuation allowance shall be construed as references to such specified part of the superannuation allowance.

(7) The provisions of section 14 (Allowance not assignable) of the Act of 1922 so far as they are applicable shall apply to every annuity under this section.

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PART IV.  
—cont.

(8) The provisions of this section (other than those of subsections (3) and (4) thereof) shall with the necessary modifications extend and apply to—

(a) any officer of the Council; and

(b) any superintendent registrar or registrar of births and deaths (including a registrar exercising any of the functions of registrars of marriages) for a district or sub-district in relation to which registration functions are discharged by the Council;

59 & 60 Vict. c. 50. to whom at the passing of this Act the provisions of the Poor Law Officers' Superannuation Act 1896 apply.

## PART V.

## MISCELLANEOUS.

Agree-  
ments as  
to con-  
tributions  
by Council  
to William  
Salt  
Library.

**31.**—(1) The Council may with the consent of the Charity Commissioners enter into and carry into effect agreements with the trustees of the William Salt Library in the borough of Stafford for or in connection with the making of contributions by the Council towards the cost of the maintenance upkeep extension or rebuilding of the said library or the purchase of books newspapers or objects of historical or antiquarian interest for the said library or towards any other expenses of the said trustees in connection with the said library.

(2) Any sums contributed by the Council to the said trustees under any agreement entered into under the powers of subsection (1) of this section may and shall be paid out of the county fund.

Consent of  
local govern-  
ment electors  
not to be  
requisite for  
certain pur-  
poses of  
Public  
Libraries Act  
1892.  
55 & 56 Vict.  
c. 53.

**32.** So much of subsection (2) of section 16 (Power to library authorities to make agreements for use of library) of the Public Libraries Act 1892 as requires the consent of the local government electors of the district to the exercise by a library authority of the powers of that subsection shall cease to apply in the case of the Council.

Recovery  
of expenses  
of main-  
tenance in  
institu-  
tions.

**33.**—(1) In any case in which the Council are or may be empowered by the Local Government Act 1929 the Public Health Act 1936 the Poor Law Act 1930 the Road Traffic Act 1930 as amended by the Road and Rail Traffic Act 1933 or any other Act to recover from any



[1 EDW. 8. &  
1 GEO. 6.]

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person (including the council of any county or county borough or metropolitan borough or any county district whether within or without the county) any sum in respect of expenses incurred by the Council in providing for the maintenance or treatment or the maintenance and treatment of any person in an institution to which this section applies the Council for the purpose of ascertaining such sums may notwithstanding anything contained in any such Act determine that any two or more institutions (being institutions to which this section applies and used for comparable purposes) shall be regarded as one institution and that such sums shall be ascertained by reference to the expenses incurred in respect of such two or more institutions.

(2) The institutions to which this section applies include institutions as defined in—

- (a) section 16 of the Local Government Act 1929 so long as that section continues in operation; and
- (b) section 184 of the Public Health Act 1936 from and after the coming into operation of that Act;

and all institutions and hospitals provided or maintained by the Council under or in pursuance of the Poor Law Act 1930.

**34.**—(1) The Council may serve on the owner or occupier of any land in any part of the county within which the Council are for the time being the local authority for the purposes of the Advertisements Regulation Acts 1907 and 1925 a notice in respect of any serious injury to the amenities of any public open space which may be caused by the display of advertisements on such land within fifty yards of such open space requiring him within a reasonable time not being less than twenty-eight days to be specified in the notice to take such action and to execute such works including works of removal as may be necessary to abate the injury.

(2) If the person on whom the notice is served fails to comply therewith the Council may cause a complaint relating to the injury to be made to a court of summary jurisdiction and that court may issue a summons requiring the person to appear before them

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PART V.

—cont.

26 Geo. 5. &  
1 Edw. 8.

c. 49.

20 & 21

Geo. 5. c. 17.

20 & 21

Geo. 5. c. 43.

23 & 24

Geo. 5. c. 53.

Display of  
advertisements.

7 Edw. 7.

c. 27.

15 & 16

Geo. 5. c. 52.

A.D. 1937.

—  
PART V.  
—cont.

and if satisfied that the alleged injury exists may make an order requiring the person to comply with the requisition or otherwise to abate the injury and to do any works necessary for the purpose within a time specified in the order.

(3) If any person fails to comply with the requirements of subsection (2) of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) Any order made under subsection (2) of this section may also empower the Council themselves to undertake the necessary works and to recover the cost from the person against whom the order is made if such person fails to comply with the order.

(5) For the purposes of this section "public open space" means any land laid out or used as a public pleasure ground or place of public resort or recreation including an open space for rest or recreation or any village green to which the public have access.

(6) The provisions of this section in regard to advertisements shall be in addition to and not in derogation of the provisions of the Advertisements Regulation Acts 1907 and 1925.

(7) Nothing in this section shall apply to—

(a) advertisements on houses relating to the letting or sale thereof or upon land relating solely to any trade or business carried on or to any entertainment or meeting auction or sale to be held upon or in relation to such land or any property thereon or to advertisements on the doors or in the windows of a building if the advertisements do not in either case contain letters figures or advertising emblems exceeding twelve inches in height and do not (except where affixed to and not projecting above a vertical wall of a building) exceed a height of twelve feet from the ground;

(b) (for a period of five years from the date of the passing of this Act) hoardings or similar structures erected or in use for advertising purposes before that date advertising stations



[1 EDW. 8. &  
1 GEO. 6.]

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used by advertisement contractors at that date and any advertisement from time to time displayed thereon during that period or any other advertisement displayed at the date of the passing of this Act;

- (c) advertisements on or upon any railway station yard platform or railway approach or any canal dock wharf lock or toll station belonging to a railway or canal company.

(8) The provisions of this section shall to the extent that the subject matters thereof are dealt with by provisions in a planning scheme coming into operation after the passing of this Act cease to have effect upon the coming into operation of such provisions.

**35.**—(1) The following provisions shall have effect in regard to the superannuation fund established by the Council under the Act of 1922 (that is to say):—

- (a) Such of the posts entered in the actuarial valuation of the said fund for the period of five years ending on the thirty-first day of March one thousand nine hundred and thirty-five against the names set out therein of officers and servants of the Council as are not at the date of the passing of this Act established posts shall be deemed to have been designated as established posts within the meaning of the Act of 1922;

- (b) The appointed day as respects any officer or servant occupying a post to which paragraph (a) of this subsection applies shall be the first day of July one thousand nine hundred and twenty-five.

(2) Words and expressions used in subsection (1) of this section have the same meaning as in the Act of 1922.

**36.**—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the Council of which date public notice shall be given by the Council by advertisement in one or more local newspapers circulating in the county. Every such advertisement shall also state the effect of the provisions to which

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PART V.  
—cont.

Posts of  
certain  
officers and  
servants to  
be estab-  
lished  
posts.

Commence-  
ment of  
certain  
provisions  
of this Act.

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PART V.  
—cont.

it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement. Provided that the provisions of the section of this Act of which the marginal note is "As to opening and reinstatement of county roads" shall not come into operation before the first day of April one thousand nine hundred and thirty-eight and the provisions of Part III (Boxing entertainments) of this Act shall not come into operation before the first day of January one thousand nine hundred and thirty-eight. Provided also that if the provision is one which requires the licensing of any person or premises the application for the licence may be made and determined before the provision comes into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to the section of this Act of which the marginal note is "As to opening and reinstatement of county roads" and to Part III (Boxing entertainments) of this Act.

(4) As respects any of the said provisions which requires the licensing of persons carrying on any business or of premises used for any purpose it shall be lawful for any person who when such provision came into operation—

- (a) was carrying on any such business or using any premises for any such purpose; and
- (b) had made application in accordance with the provisions of this Act for such licence as is required by this Act;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (5) of the section of this Act of which the marginal note is "Appeals under Part III of Act."

As to  
appeals.

**37.** Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment



[1 EDW. 8. &  
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authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

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—  
PART V.  
—cont.

**38.** The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were in operation at the date of the passing of this Act and were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Applica-  
tion of  
certain  
provisions  
of Public  
Health Act  
1936.

- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 286 (Proof of resolutions &c.);
- Section 293 (Recovery of expenses &c.);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 299 (Inclusion of several sums in one complaint &c.);
- Section 304 (Judges and justices not to be disqualified by liability to rates);
- Section 305 (Protection of members and officers of certain local authorities from personal liability); and
- Section 328 (Powers of Act to be cumulative).

**39.** All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act shall be paid to the county treasurer and be by him carried to the credit of the county fund.

Penalties  
to be paid  
over to  
treasurer.

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

Saving for  
indict-  
ments &c.

**41.** The Minister of Health may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving

Inquiries by  
Minister of  
Health.

A.D. 1937.

—  
PART V.  
—cont.

of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

Crown  
rights.

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

Costs of  
Act.

43. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the county fund or out of moneys to be borrowed for that purpose under this Act.



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The SCHEDULES referred to in the  
foregoing Act.

A.D. 1937.

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## FIRST SCHEDULE.

---

### PROVISIONS AS TO BONDS.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Council may from time to time determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Council may from time to time determine.

(b) Bonds shall not be issued of greater aggregate nominal amount than will together produce according to the price of issue the actual amount of money for the time being authorised to be borrowed by the Council.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the county fund and the revenues of the Council on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless previously cancelled by purchase in the open market or by agreement with the bondholder) at the offices of the Council at Stafford on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date on which the bond is repayable.

4. (a) The clerk of the Council shall keep a register to be called the "Register of Staffordshire County bonds" of all persons who are holders for the time being of bonds.

(b) The register shall contain the following particulars :—

(i) The name address and description of each holder a statement of the denomination of the bonds held by

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—  
1ST SCH.  
—cont.

him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(ii) The date of registration of each holder and the date on which he ceased to be so registered.

(c) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5. (a) The Council shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(b) If a certificate is worn out or damaged the Council on the production thereof may cancel it and issue a new certificate in lieu thereof.

(c) If a certificate is lost or destroyed the Council on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(d) An entry of the issue of a substituted certificate shall be made in the register.

(e) A certificate shall be in the following form or in a form substantially to the like effect :—

No.

..... per cent. Staffordshire County bond.

This is to certify that

of

is the registered holder of a bond for pounds issued by the county council of the administrative county of Stafford and repayable at par on the day of

one thousand nine hundred and at the county buildings Stafford.

The common seal of the Staffordshire  
County Council was hereunto } Seal of the Council.  
affixed in the presence of }

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Council shall not prevent the holder of the bond from disposing of and transferring the bond.





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—  
1ST SCH.  
—cont.

(b) Until such evidence as aforesaid has been produced the Council shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(c) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9. (a) If at any time any interest on any bond is unclaimed at the time for payment thereof the interest shall nevertheless on demand at any subsequent time be paid to the person showing his right thereto but without interest thereon in the meantime.

(b) Where any interest remains unclaimed for five years from the time for payment thereof the Council shall cause notice thereof to be sent by post in a registered letter addressed to the holder of the bond named in their books by the description and at the address therein appearing and so at the expiration of three other successive periods of five years.

10. (a) If at the end of the period within which any bond is required to be paid off the Council by reason of the holder of any such bond not being forthcoming or by reason of any doubt as to the ownership of any such bond are unable to pay off such bond as required by this Act the Council shall invest a sum equal to the nominal value of all such bonds as cannot be paid off by reason as aforesaid such sum to be dealt with as hereinafter prescribed and thereupon such bonds shall be deemed to have been paid off.

(b) If before the end of the period within which any bond is required to be paid off the Council have extinguished all the bonds except such as cannot be paid off by reason as aforesaid the Council may invest a sum equal to the nominal value of all such bonds as cannot be paid off as aforesaid such sum to be dealt with as hereinafter prescribed and thereupon such bonds shall be deemed to have been paid off.

(c) Any sums invested by the Council as aforesaid shall unless the securities are sold for the purpose of satisfying any claim in respect of the bonds represented by the same be kept invested for a period of ten years after which time the Council may appropriate the said sums and any accumulations thereon for such purposes as the Minister of Health may approve without prejudice nevertheless to the right of any person to the said sums or any part thereof.

(d) All sums invested under this paragraph shall be invested in statutory securities.



[1 EDW. 8. &  
1 GEO. 6.]

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SECOND SCHEDULE.

A.D. 1937.

Percentage of the full superannuation allowance payable under the Act of 1922 which may be paid to an officer or servant during his lifetime in order that his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of such full superannuation allowance.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	81 $\frac{3}{4}$	—	—	—	—	—	—	—
51	82 $\frac{1}{2}$	81	—	—	—	—	—	—
52	83	81 $\frac{3}{4}$	80 $\frac{1}{4}$	—	—	—	—	—
53	83 $\frac{3}{4}$	82 $\frac{1}{2}$	81	79 $\frac{1}{2}$	—	—	—	—
54	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$	80 $\frac{1}{2}$	78 $\frac{3}{4}$	—	—	—
55	85 $\frac{1}{4}$	84	82 $\frac{3}{4}$	81 $\frac{1}{4}$	79 $\frac{3}{4}$	78	—	—
56	86	84 $\frac{3}{4}$	83 $\frac{1}{2}$	82 $\frac{1}{4}$	80 $\frac{3}{4}$	79	77 $\frac{1}{4}$	—
57	86 $\frac{3}{4}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	83	81 $\frac{1}{2}$	80	78 $\frac{1}{4}$	76 $\frac{1}{2}$
58	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	83 $\frac{3}{4}$	82 $\frac{1}{2}$	81	79 $\frac{1}{4}$	77 $\frac{1}{2}$
59	88	87	85 $\frac{3}{4}$	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$	80 $\frac{1}{4}$	78 $\frac{1}{2}$
60	88 $\frac{3}{4}$	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	82 $\frac{3}{4}$	81 $\frac{1}{4}$	79 $\frac{3}{4}$
61	89 $\frac{1}{2}$	88 $\frac{1}{2}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	83 $\frac{3}{4}$	82 $\frac{1}{4}$	80 $\frac{3}{4}$
62	90 $\frac{1}{4}$	89 $\frac{1}{4}$	88 $\frac{1}{4}$	87 $\frac{1}{4}$	85 $\frac{3}{4}$	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$
63	90 $\frac{3}{4}$	90	89	88	86 $\frac{3}{4}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	83
64	91 $\frac{1}{4}$	90 $\frac{1}{2}$	89 $\frac{3}{4}$	88 $\frac{3}{4}$	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{4}$	84
65	91 $\frac{3}{4}$	91	90 $\frac{1}{4}$	89 $\frac{1}{2}$	88 $\frac{1}{2}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85
66	92 $\frac{1}{4}$	91 $\frac{1}{2}$	91	90 $\frac{1}{4}$	89 $\frac{1}{4}$	88 $\frac{1}{4}$	87 $\frac{1}{4}$	86
67	92 $\frac{1}{2}$	92	91 $\frac{1}{2}$	90 $\frac{3}{4}$	90	89	88	87

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