



CHAPTER cxiii.

An Act to confer powers on the mayor aldermen and burgesses of the county borough of Halifax for the construction of tramways street works and waterworks and to make further and better provision with regard to the water and other undertakings of the Corporation and the health local government and improvement of the borough and for other purposes. A.D. 1911.

[18th August 1911.]

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

And whereas the Acts and Orders specified in the First Schedule to this Act (save so far as any of them is amended by any later Act or Order among the same) are now in force in the borough and elsewhere conferring various powers upon the Corporation and are hereinafter referred to collectively as "the recited Acts" and each of them separately as an Act or Order of the year in which the same was passed or made:

And whereas extensive powers with regard to the supply of water gas and electricity the construction of tramways and with regard to the improvement and government of the borough have been conferred upon the Corporation by the recited Acts:

And whereas by the Act of 1897 the Act of 1898 the Order of 1899 the Act of 1900 the Act of 1902 and the Act of 1905 the Corporation were authorised to lay down within and beyond the borough the tramways in those Acts and Order mentioned and

A.D. 1911. the powers therein contained were conferred on the Corporation in respect of the said tramways :

And whereas the Corporation have constructed and are working tramways authorised by the said Acts and Order and it is expedient that the Corporation should be empowered to construct and maintain the additional tramways in this Act described and to work the same by electrical power :

And whereas it is expedient that provision should be made as in this Act contained with respect to the provision and use by the Corporation of trolley vehicles :

And whereas it is expedient that the Corporation should be authorised to construct the street works by this Act authorised :

And whereas it is expedient that the Corporation should be authorised to construct the additional waterworks by this Act authorised :

And whereas it is expedient that power should be conferred on the Corporation with respect to the taking of lands as in this Act set forth :

And whereas it is expedient to confer further powers upon the Corporation with respect to the collection of rates and water charges :

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

And whereas the estimates for the construction of the Walshaw Dean Reservoirs and the other works sanctioned by the Act of 1898 were insufficient and further money has from time to time been borrowed in respect thereof under the authority of Parliament and with the sanction of the Local Government Board which money has all been expended upon the said reservoirs and works :

And whereas on account of exceptional engineering difficulties the further money authorised to be borrowed has been insufficient to enable the Corporation to complete the said reservoirs and works :

And whereas the Corporation's statutory powers for raising money for the purpose aforesaid became exhausted and the

Corporation were compelled between the first day of June one thousand nine hundred and six and the twenty-sixth day of November one thousand nine hundred and ten to defray the further expenditure upon the said reservoirs and works by means of temporary loans from their bankers which loans amounted on the said last-mentioned date to the sum of fifty-three thousand five hundred and sixteen pounds: A.D. 1911.

And whereas the further sum of twenty-three thousand pounds is required for the completion of the said Walshaw Dean Reservoirs:

And whereas the Corporation have borrowed by means of temporary loans from their bankers the sum of eight hundred and seventy-eight pounds which sum has been expended in connection with the Ramsden Wood Reservoir:

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to raise money which are as follows:—

For the construction of tramways thirty-one thousand five hundred and ten pounds;

For the provision of electrical equipment and other works in connection with the tramways by this Act authorised four thousand one hundred and thirty-two pounds;

For the provision of top deck covers for the existing tramway cars six thousand six hundred pounds;

For the provision of omnibuses and motor cars four thousand eight hundred pounds;

For the purchase of lands for and the construction of street works forty-eight thousand five hundred and sixty pounds;

For the purchase of lands for and the construction of water-works thirty thousand pounds:

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

And whereas it is expedient that the Corporation should be authorised to raise moneys for the purposes aforesaid and to repay the above-mentioned sums borrowed as aforesaid:

A.D. 1911.

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

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

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

And whereas that resolution was published twice in the Halifax Guardian and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the eighteenth day of January one thousand nine hundred and eleven being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed :

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

PART I.

A.D. 1911.

PRELIMINARY.

1. This Act may be cited for all purposes as the Halifax Short title.
Corporation Act 1911.

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

Act divided
into Parts.

Part I.—Preliminary.

Part II.—Tramways.

Part III.—Trolley Vehicles.

Part IV.—Provisions common to Tramways and
Trolley Vehicles.

Part V.—Motor Omnibuses.

Part VI.—Street Works.

Part VII.—Water.

Part VIII.—Lands.

Part IX.—Electricity.

Part X.—Markets and Fairs.

Part XI.—Streets and Buildings.

Part XII.—Sewers Drains and Sanitary Provisions.

Part XIII.—Infectious Disease.

Part XIV.—Police.

Part XV.—Superannuation Fund.

Part XVI.—Finance and Rating.

Part XVII.—Miscellaneous.

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

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

Section 3 (Interpretation of terms) section 19 (Local
authority may lease or take tolls) and Parts II. and III.
of the Tramways Act 1870:

The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words “with the consent in writing of the
“owner or reputed owner of any such house or of

A.D. 1911.

“the agent of such owner” in section 44 of the Waterworks Clauses Act 1847;

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

Interpreta-
tion.

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

“The borough” means the county borough of Halifax;

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

“The council” means the council of the borough;

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

“The borough fund” and “borough rate” mean respectively the borough fund and borough rate of the borough as provided by the recited Acts;

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

“The tramways” means the tramways by this Act authorised;

“The Corporation tramways” means the tramways authorised by this Act and all tramways and tramroads for the time being belonging to or leased or worked by the Corporation and includes any vehicles moved by mechanical power transmitted to such vehicles from some external source;

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

“Statutory borrowing power” shall have the same meaning as that assigned to it by the Act of 1900;

“Statutory security” shall have the same meaning as that assigned to it by the Act of 1900;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and rates and moneys leviable by or on the precept of the Corporation; A.D. 1911.

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

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

“The recited Acts” means the unrepealed provisions of the local Acts specified in the First Schedule to this Act and the Provisional Orders relating to the borough confirmed by the Acts also specified in the same schedule and each of those Acts and Orders is separately referred to as the Act or Order of the year in which it was passed or confirmed;

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

PART II.

TRAMWAYS.

5. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers channels junctions turn-tables turn-outs crossings passing-places triangles waiting-rooms stables carriage-houses engine-houses stations sheds buildings works and conveniences connected therewith (that is to say):— Power to
make tram-
ways.

Tramway No. 1 A single line 1 furlong 5 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Huddersfield Road at a point 66 yards south of the north-west corner of the Punch Bowl Inn passing thence along Huddersfield Road and terminating by a junction with the existing tramway in Huddersfield Road at a point opposite the south end of Wood Terrace:

A.D. 1911.

Tramway No. 1 will be a doubling of the existing single line between those points authorised by the Act of 1905:

Tramway No. 2 A single line 1 furlong 9 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Gibbet Street at a point 30 yards west of the westerly side of Newstead Avenue passing thence along Gibbet Street and terminating by a junction with the existing tramway in Gibbet Street at the junction of Gibbet Street and Bob Lane:

Tramway No. 2 will be a doubling of the existing single line between those points authorised by the Act of 1897:

Tramway No. 3 A single line 5 furlongs 4 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Heath Road at a point 40 yards south of the junction of Free School Lane and Heath Road passing thence along Heath Road and Skircoat Green Road and terminating by a junction with the existing tramway in Skircoat Green Road at a point 6 yards south of the south side of St. Anne's Road:

Tramway No. 3 will be a doubling of the existing single line between those points authorised by the Act of 1898:

Tramway No. 4 A double line 1 furlong 1·5 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Skircoat Green Road at a point 6 yards south of the south side of St. Anne's Road passing thence along a new road now being constructed and terminating at the junction of the said new road and Dudwell Lane:

Tramway No. 5 A single line 2 furlongs 2 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Pellon Lane at its junction with St. James' Road passing thence along Pellon Lane and terminating by a junction with the existing tramway in Pellon Lane at a point 6 yards south-east of the junction of Pellon Lane and Green Lane:

Tramway No. 5 will be a doubling of the existing single line between those points authorised by the Act of 1898:

Tramway No. 6 A single line 2 furlongs 4 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Pellon Lane at its junction with Clement Street passing thence along Pellon Lane

and terminating by a junction with the existing tramway in Pellon Lane at its junction with Haigh Street: A.D. 1911.

Tramway No. 6 will be a doubling of the existing single line between those points authorised by the Act of 1898:

Tramway No. 7 A single line 4 furlongs 3 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Pellon Lane at a point 120 yards west of the west side of Dyson Road passing thence along Pellon Lane and Spring Hall Lane and terminating by a junction with the existing tramway in Spring Hall Lane at a point opposite the north side of Spring Hall Place:

Tramway No. 7 will be a doubling of the existing single line between those points authorised by the Act of 1898:

Tramway No. 13 A single line 1 furlong 5 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Commercial Street at a point opposite the south side of Silver Street passing thence along Waterhouse Street Orange Street and Corporation Street and terminating by a junction with the existing tramway in Corporation Street at a point 20 yards north of the north side of North Parade:

Provided that so much of Tramway No. 13 shall not be constructed as is situate in Waterhouse Street between a point opposite the south-eastern corner of the building situate on the northern side of Upper Crown Street where it joins Waterhouse Street and a point measured therefrom in a northerly direction for a distance of 112 yards:

Tramway No. 13 will be a doubling of part of the existing single line authorised by the Act of 1898:

Tramway No. 14 A single line 2 furlongs in length wholly situate in the borough commencing by a junction with the existing tramway in Keighley Road at a point 40 yards north-west of the north-west side of Club Lane passing thence along Keighley Road and terminating by a junction with the existing tramway in Keighley Road at a point 122 yards north-west of the north-west side of Beechwood Road:

Tramway No. 14 will be a doubling of the existing single line between those points authorised by the Act of 1898:

A.D. 1911.

Tramway No. 15 A single line 1 mile 2·5 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Keighley Road at a point 220 yards south-east of the east side of Cousin Lane passing thence along Keighley Road and terminating by a junction with the existing tramway in Keighley Road at a point 80 yards south of the south side of Bradshaw Lane:

Provided that so much of Tramway No. 15 shall not be constructed as is situate between Wrigley Hill and Bradshaw Lane but a passing place (4 chains in length) may be laid half way or thereabouts between those points:

Tramway No. 15 will be a doubling of the existing single line between those points authorised by the Acts of 1898 and 1900:

Tramway No. 16 A single line 4 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Keighley Road at the junction of Keighley Road and Blind Lane passing thence along Keighley Road and terminating by a junction with the existing tramway in Keighley Road at a point 88 yards north of the said point of commencement:

Tramway No. 16 will be a doubling of the existing single line between those points authorised by the Act of 1900:

Tramway No. 17 A single line 4 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Keighley Road at a point 170 yards south of the entrance gates to Jane Green passing thence along Keighley Road and terminating by a junction with the existing tramway in Keighley Road at a point 88 yards north of the said point of commencement:

Tramway No. 17 will be a doubling of the existing single line between those points authorised by the Act of 1900:

Tramway No. 18 A single line 4 chains in length wholly situate in the borough commencing by a junction with the existing tramway in the Halifax and Bradford Road at a point 150 yards north of the junction of Howcans Lane and the Halifax and Bradford Road passing thence along the Halifax and Bradford Road and terminating by a junction with the existing tramway in the Halifax and Bradford Road at a point 88 yards north of the said point of commencement;

Tramway No. 18 will be a doubling of the existing single line between those points authorised by the Act of 1900: A.D. 1911.

Tramway No. 19 A single line 4 chains in length wholly situate in the parish and urban district of Queensbury commencing by a junction with the existing tramway in the Halifax and Bradford Road at a point 33 yards south-west of the south-west corner of the Cavendish Hotel passing thence along the Halifax and Bradford Road and terminating by a junction with the existing tramway in the Halifax and Bradford Road at a point 88 yards north-east of the said point of commencement:

Tramway No. 19 will be a doubling of the existing single line between those points authorised by the Queensbury Tramways Order 1899:

Tramway No. 20 A single line 4 chains in length wholly situate in the parish and urban district of Queensbury commencing by a junction with the existing tramway in the Halifax and Bradford Road at a point 70 yards north of the north side of Oxford Road passing thence along the Halifax and Bradford Road and terminating by a junction with the existing tramway in the Halifax and Bradford Road at a point 88 yards north-east of the said point of commencement:

Tramway No. 20 will be a doubling of the existing single line between those points authorised by the Queensbury Tramways Order 1899:

Tramway No. 21 A single line 4 chains in length wholly situate in the borough commencing by a junction with the existing tramway in the Halifax and Bradford Road at a point 88 yards west of the west side of the road leading to Upper Brear passing thence along the Halifax and Bradford Road and terminating by a junction with the existing tramway in the Halifax and Bradford Road at a point 88 yards east of the said point of commencement:

Tramway No. 21 will be a doubling of the existing single line between those points authorised by the Act of 1900:

Tramway No. 22 A single line 4 chains in length wholly situate in the borough commencing by a junction with the existing tramway in the Halifax and Bradford Road at a point 50 yards south of the entrance gates to Quarry House passing thence along the Halifax and Bradford Road and

A.D. 1911.

terminating by a junction with the existing tramway in the Halifax and Bradford Road at a point 88 yards north of the said point of commencement:

Tramway No. 22 will be a doubling of the existing single line between those points authorised by the Act of 1900:

Tramway No. 23 A single line 4 chains in length wholly situate in the parish and urban district of Shelf commencing by a junction with the existing tramway in the Halifax and Bradford Road at a point 30 yards north-east of the boundary between the parish and urban district of Shelf and the borough passing thence along the Halifax and Bradford Road and terminating by a junction with the existing tramway in the Halifax and Bradford Road at a point 88 yards north-east of the said point of commencement:

Tramway No. 23 will be a doubling of the existing single line between those points authorised by the Act of 1900:

Tramway No. 24 A single line 4 chains in length wholly situate in the parish and urban district of Shelf commencing by a junction with the existing tramway in the Halifax and Bradford Road at a point 10 yards south of the south side of Clough House passing thence along the Halifax and Bradford Road and terminating by a junction with the existing tramway in the Halifax and Bradford Road at a point 88 yards north-east of the said point of commencement:

Tramway No. 24 will be a doubling of the existing single line between those points authorised by the Act of 1900:

Tramway No. 25 A single line 1 furlong 1 chain in length wholly situate in the parish and borough of Brighouse commencing by a junction with the existing tramway in the Brighouse and Denholme Gate Road at a point 15 yards north-west of the junction of Half House Lane and the Brighouse and Denholme Gate Road passing thence along the Brighouse and Denholme Gate Road and Upper Green Lane and terminating by a junction with the existing tramway in Upper Green Lane at a point 105 yards east of the junction of Spout House Lane and Upper Green Lane:

Tramway No. 25 will be a doubling of the existing single line between those points authorised by the Act of 1900 : A.D. 1911.

Tramway No. 26 A single line 4 chains in length wholly situate in the parish and borough of Brighthouse commencing by a junction with the existing tramway in Lightcliffe Road at a point 45 yards north of the north-west side of Bracken Road passing thence along Lightcliffe Road and terminating by a junction with the existing tramway in Lightcliffe Road at a point 88 yards south of the said point of commencement :

Tramway No. 26 will be a doubling of the existing single line between those points authorised by the Act of 1900 :

Tramway No. 27 A single line 8 chains in length wholly situate in the parish and borough of Brighthouse commencing by a junction with the existing tramway in Garden Road at a point 10 yards north-west of the north side of Henry Street passing thence along Garden Road and Bonegate Road and terminating by a junction with the existing tramway in Bonegate Road at a point 2 chains north-west of the north-west side of Thornhill Briggs Road :

Tramway No. 27 will be a doubling of the existing single line between those points authorised by the Act of 1900 :

Tramway No. 28 A single line 9 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Old Market at a point 26 yards south of the south side of Gaol Lane passing thence along Old Market and Northgate and terminating by a junction with the existing tramway in Northgate at the junction of Northgate and Victoria Street East :

Tramway No. 28 will be a doubling of the existing single line between those points authorised by the Acts of 1898 and 1905 :

Tramway No. 29 A single line 3 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Union Street at a point 8 yards south of the south side of Westgate passing thence along Union Street and Market Street and terminating by a

A.D. 1911.

junction with the existing tramway in Market Street at a point opposite the north side of Albion Street :

Tramway No. 29 will be a doubling of the existing single line between those points authorised by the Act of 1898 :

Tramway No. 32 A single line 7·5 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Commercial Street at the junction of Commercial Street and Old Cock Yard passing thence along Commercial Street George Square George Street and Bull Green and terminating in Bull Green by a junction with the existing tramway at a point 20 yards south-west of the west side of Barum Top :

Tramway No. 33 3·3 chains in length whereof 1·5 chains is single line and 1·8 chains is double line wholly situate in the borough commencing by a junction with the existing tramway in Commercial Street at a point 7 yards north of the north side of Cheapside passing thence along Commercial Street George Square and George Street and terminating in George Street by a junction with Tramway No. 32 at a point 72 yards west of the said point of commencement :

Tramway No. 34 A single line 5 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Commercial Street at a point 26 yards south of the south side of Alexandra Street passing thence along Commercial Street and terminating by a junction with the existing tramway in Commercial Street at a point 110 yards north of the said point of commencement :

Provided that Tramway No. 34 shall not be constructed without the consent of the persons entitled to the benefit of covenants by the Corporation with respect to the construction of any additional tram line in Commercial Street contained in an indenture dated the eighth day of January one thousand nine hundred and three and made between Walter Midgley of the one part and the Corporation of the other part and an indenture dated the twenty-first day of December one thousand nine hundred and four and made between Joseph Nicholson of the one part and the Corporation of the other part respectively :

Tramway No. 34 will be an additional line to the existing double line between those points authorised by the Act of 1897 : A.D. 1911.

Tramway No. 36 A single line 5·9 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Northgate at a point 15 yards north of the north side of North Bridge Street passing thence along Northgate and Park Street and terminating in Park Street at the boundary wall of North Bridge Goods Station at a point 97 yards east of the east side of Northgate :

Tramway No. 37 A single line 9·5 chains in length wholly situate in the borough commencing by a junction with the existing tramway in Church Street at a point 25 yards south of the junction of Church Street and Beckett Street passing thence along Church Street and Kirkgate and terminating in Kirkgate on the south side at a point opposite the south-east corner of St. John's Churchyard :

Tramway No. 38 A single line 0·6 chain in length wholly situate in the borough commencing by a junction with the existing tramway in Pellon Lane at a point 100 yards north-west of the junction of Pellon Lane and Queen's Road passing thence along Pellon Lane and terminating on the south side of that lane at a point about 121 yards north-west of its junction with Queen's Road :

Provided that no part of Tramways Nos. 36 37 or 38 shall be constructed without the consent in writing of the Lancashire and Yorkshire and Great Northern Railway Companies under their respective common seals :

Tramway No. 39 2 furlongs 7 chains in length whereof 2 furlongs 3 chains will be single line and 4 chains will be double line wholly situate in the borough commencing by a junction with the existing tramway in Huddersfield Road and Shaw Hill passing thence along Shaw Hill and Shaw Syke and terminating at the western boundary of Shaw Syke goods yard at a point about 1 chain north of Water Lane :

Provided that Tramway No. 39 shall not be used for passenger traffic nor shall any part of it be constructed without the consent in writing of the Lancashire and Yorkshire Railway Company under their common seal.

A.D. 1911.

Gauge of tramways and width of carriages.

6. The tramways shall be constructed on a gauge of three feet six inches. Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet six inches in width.

Tramways to be part of tramway undertaking of Corporation.

7. The tramways shall subject to the provisions of this Act be deemed for all purposes part of the tramway undertaking of the Corporation.

Period for completion of works.

8. The tramways shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Applying certain provisions of recited Acts to tramways.

9. The following sections of the recited Acts shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways or tramway works by this Act authorised:—

OF THE ACT OF 1897.

- Section 8 (Tramways to be kept on level of surface of road.)
- Section 9 (Provisions as to construction of tramways.)
- Section 11 (As to rails of tramways.)
- Section 12 (Penalty for not maintaining rails and roads.)
- Section 13 (Passing places to be constructed where less than a certain width left between footway and tramway.)
- Section 15 (Temporary tramways may be made where necessary.)
- Section 25 (Heavy traffic confined to certain hours.)
- Section 38 (Railway carriages not to be used on tramways.)
- Section 39 (Corporation may use tramways for sanitary purposes.)
- Section 51 (Provision as to general Tramway Acts.)

OF THE ACT OF 1900.

A.D. 1911.

- Section 82 (Corporation may reduce width of footway for constructing tramway.)
Section 86 (Power to Corporation to work tramways or tramroads.)
Section 89 (Application of road materials excavated in construction of works.)

OF THE ACT OF 1902.

- Section 30 (For protection of company of proprietors of Calder and Hebble Navigation.)
Section 31 (For protection of county council.)

OF THE ACT OF 1905.

- Section 22 (Power to make additional crossovers and to double tramway lines.)
Section 25 (Stopping of roads during execution of works.)

10. Where any tramway constructed under this Act shall pass any land or building now vested in or under the control of His Majesty's Principal Secretary of State for the War Department no crossing passing place siding or junction whether shown on the deposited plans or not and no other work not shown on the deposited plans opposite to such land or building shall be constructed until it shall have been approved by the said Secretary of State or by an officer acting on his behalf and if at any time it shall in the opinion of the said Secretary of State be desirable that such crossing passing place siding junction or other work shall be altered or removed the Corporation shall alter or remove it to the satisfaction of the Secretary of State within twenty-eight days from the time at which they are called upon to do so.

For protection of War Department.

The Corporation shall not permit any of their engines or carriages to stop or stand upon their tramway opposite or near to the entrance to any lands or buildings vested in or under the control of His Majesty's Principal Secretary of State for the War Department in such manner as to interfere with access to or from such lands or buildings.

11. For the protection and benefit of the mayor aldermen and burgesses of the borough of Brighouse (in this section called "the Brighouse Corporation") the following provisions

For protection of Brighouse Corporation.

A.D. 1911. shall unless otherwise agreed between the Brighthouse Corporation and the Corporation apply and have effect (that is to say):—

- (1) The parts of any road which the Corporation are by the Tramways Act 1870 required to keep in good condition and repair shall be paved by them with wood or stone setts or other material to the reasonable satisfaction of the Brighthouse Corporation:
- (2) The Corporation shall if it be necessary put down at such places along the tramways in the borough of Brighthouse as the Brighthouse Corporation shall require suitable grids and drains communicating with the sewers or other receptacles to prevent the accumulation of water on the tramways:
- (3) In the construction of Tramway No. 26 by this Act authorised the footpath co-terminus therewith on the east side of the road and the paved crossing at Bracken Road in the borough of Brighthouse shall be raised to a proper and sufficient level above the surface of the nearest rail. This work shall include the working to the amended level of the remaining footpath north and south of the raised portion and any other works that may be necessary in consequence thereof. All such work to be done to the reasonable satisfaction of the borough surveyor of Brighthouse for the time being. In working this tramway when laid the Corporation shall issue such instructions to their drivers as will prevent their stopping the cars opposite the end of Bracken Road aforesaid or south thereof:
- (4) The Corporation shall not exercise the powers of section 23 of the Act of 1897 so far as the same relate to the carrying of animals goods and minerals within the borough of Brighthouse without the consent of the Brighthouse Corporation until such time as the Corporation shall provide or acquire the use of private sidings for the purpose of loading or unloading such animals goods or minerals within the said borough and no loading or unloading shall be allowed on any public road within the said borough:
- (5) Any question arising between the Brighthouse Corporation and the Corporation with reference to this section or anything to be done or not to be done thereunder

shall be determined by arbitration The arbitrator A.D. 1911.
unless otherwise agreed upon shall be appointed by
the Board of Trade.

12. The following provisions for the protection of the county For protec-
council of the west riding of Yorkshire (in this section called tion of west
"the county council") shall unless otherwise agreed in writing riding county
between the Corporation and the county council apply and have council.
effect with respect to Tramways 19 and 20 in the urban district
of Queensbury and 23 and 24 in the urban district of Shelf
(that is to say):—

- (1) The provisions of section 31 (For protection of county council) of the Act of 1902 shall apply mutatis mutandis to the main roads in the parishes aforesaid upon which the said tramways are to be constructed:
- (2) The Corporation shall give to the county council seven days' notice of their intention to open or break up the said main roads for the purpose of laying down the said tramways and all works affecting the said roads shall be executed to the reasonable satisfaction of the surveyor of the county council:
- (3) The Corporation shall put down at their own cost at such places along the tramways as may be necessary suitable grids or drains and drain boxes to prevent the accumulation of water on the tramways:
- (4) If in consequence of the construction existence or user of the tramways it becomes necessary within two years from the construction of the said tramways to raise strengthen or reconstruct with suitable foundations any portion of the said roads (whether metalled or unmetalled) at the sides of the tramway or to adjust in level or otherwise any such portions of the roads or any footpath or other work or to strengthen any retaining wall the Corporation shall execute the work so required within one month after such work becomes necessary to the reasonable satisfaction of the said surveyor:
- (5) Any dispute with respect to the foregoing provisions of this section or to any work or thing to be done thereunder shall be referred to the President of the Surveyors Institution or a person appointed by him whose decision shall be final.

A.D. 1911.

PART III.

TROLLEY VEHICLES.

Power to use
trolley
vehicles.

13. At any time after the first day of January one thousand nine hundred and thirteen the Corporation may with the consent of the Board of Trade provide maintain and equip (but shall not manufacture) mechanically propelled vehicles adapted for use upon roads and moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") and may use the same upon a route commencing at the junction of King Cross Lane and Queen's Road continuing thence along Queen's Road and terminating at the junction of that road and Pellon Lane and may subject to the provisions of this Act place erect and maintain in and along such route cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working trolley vehicles but no post or other apparatus shall be erected on the carriageway of any street or road except with the consent of the Board of Trade.

Vehicles not
to be deemed
light loco-
motives or
motor cars.

14. Subject to the provisions of this Act trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 and neither the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles.

As to licence
duties on
trolley
vehicles.

15. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles as carriages or light locomotives or hackney carriages.

Approval of
vehicles by
Board of
Trade.

16. Trolley vehicles shall be of such form construction and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade and no such vehicle (including the weight of its load) shall exceed a weight of five tons.

Tolls and
fares.

17. The Corporation may charge tolls and fares for the use of trolley vehicles not exceeding the tolls and fares which the Corporation could have charged if such vehicles had been

tramway cars and the route had been a tramway laid down by the Corporation. A.D. 1911.

18.—(1) If the Corporation desire to use trolley vehicles upon any road within the borough as defined by the Tramways Act 1870 (other than Queen's Road aforesaid) they may make application to the Board of Trade describing the route and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any road or roads described in the application. Board of Trade may authorise new routes.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

(A) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the borough;

(B) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application:

And each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry to be held in the borough in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at

A.D. 1911. length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Part of this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

The Act of Parliament confirming a Provisional Order under this Act shall be deemed a Public General Act.

(7) The making of a Provisional Order under this section shall be *prima facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(8) Any expenses incurred by the Board of Trade in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connection with any inquiry under this section shall be paid by the Corporation.

(9) Provided that any Provisional Order obtained by the Corporation under the Tramways Act 1870 authorising the construction of tramways in the borough may authorise the Corporation to use trolley vehicles upon all or any of the streets or roads along which such tramways are authorised to be constructed in lieu of and pending the construction thereof.

Trolley vehicles to be part of tramway undertaking of Corporation.

19. Trolley vehicles and the apparatus in connection therewith shall for all purposes be deemed to form part of the tramway undertaking of the Corporation.

Conveyance of mails.

20. The Corporation shall perform in respect of trolley vehicles all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

For protection of railway companies.

21. For the protection of the Lancashire and Yorkshire Railway Company and the Great Northern Railway Company (together or separately as the case may require in this section referred to as "the company") the following provisions shall

unless otherwise agreed between the Corporation and the company be observed and have effect in relation to the exercise of the powers of Parts II. and III. of this Act (that is to say) :—

A.D. 1911.

(1) In this section the words "authorised works" mean and include the tramways and all electric mains wires conductors posts tubes boxes apparatus and any similar appliances to be used for the purposes of the supply of motive power for the carriages running on the tramways and for any trolley vehicles and includes also any brackets wires and apparatus for the purposes of such apparatus :

(2) All authorised works where the same shall be made upon across under or over any bridge or the approaches thereto or other work or upon any premises belonging to or maintainable by the company or will otherwise affect the same shall be executed so as not to interfere with the structure of any such bridge approaches or other work or the property of the company and according to plans sections and specifications to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed as hereinafter provided Provided that if the company do not within twenty-eight days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such authorised works shall be executed according to the plans sections and specifications approved as aforesaid or determined by an arbitrator as hereinafter provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the company The Corporation shall so maintain and use the authorised works and the said trolley vehicles as not to injuriously affect any such bridge approaches or other work or the property of the company and in the event of any injury being occasioned to such bridge approaches or work by the construction maintenance user or removal of the authorised works or the said trolley vehicles upon across under or over the same the company may

A.D. 1911.

make good the injury and may recover from the Corporation the reasonable expenses of so doing :

- (3) The Corporation shall on demand pay to the company the reasonable expense of lighting and watching the works of the company during the execution or repair by the Corporation under this Act of any of the authorised works affecting any railway belonging to the company for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them :
- (4) The Corporation shall not in any manner in the execution maintenance user or repair of any of the authorised works obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the company or any traffic thereon :
- (5) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the authorised works or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (6) If by reason of the construction of the authorised works over any such bridge or other work of the company or the user of the authorised works or the user of such trolley vehicles it becomes necessary to strengthen any such bridge or other work the company shall give notice accompanied by sufficient plans and specifications to the Corporation of such works as may be reasonably necessary and may after fourteen days from the date of the notice or forthwith in case of emergency proceed with all due despatch to

execute such works as may be reasonably necessary, A.D. 1911.
in that behalf and the reasonable expense of so doing
shall be repaid to them by the Corporation:

- (7) If the company in the exercise of their existing powers shall hereafter require either to widen lengthen strengthen reconstruct alter or repair any such bridge under or upon which the authorised works are constructed or the approaches thereto or to widen or alter any railway thereunder or thereover and it shall be necessary for such purpose that the working or user of any part of the authorised works under or upon such bridge or approaches be wholly or in part stopped or delayed or that such part of the authorised works be temporarily taken up diverted or removed and if the company accordingly give to the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up diversion or removal then the working or user of such part of the authorised works shall be stopped or delayed or such part of the authorised works shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be necessary for effecting such purpose as aforesaid and such part of the authorised works shall be restored with all practicable despatch but the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal:
- (8) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening lengthening strengthening reconstructing altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the company by reason of the existence or user of the authorised works Provided always that where the necessity for such strengthening alteration or repair is due to the

A.D. 1911.

- construction or user of the authorised works or the user of the said trolley vehicles the corporation shall repay the company the whole cost of the works as hereinbefore provided:
- (9) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be reasonably required by the engineer of the company unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been reasonably approved by the said engineer:
- (10) If having regard to the proposed position of any of the authorised works when considered in relation to the position of the works of the company at any point where the authorised works will be constructed over or under the railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal cabins posts wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the company by the Corporation:
- (11) The Corporation shall not for the purposes of this Act make attachments to any part of the said bridges without the consent in writing of the engineer of the company such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connection with the maintenance and reconstruction or alteration of the said bridges:
- (12) No trolley vehicle shall be stopped or permitted to be stopped for the distance in front of the entrances to any passenger or goods stations of the company or the approach roads to any of the said stations or

for a length of ten yards at each end of such distances except only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers: A.D. 1911.

- (13) If any difference arises under this section between the Corporation and the company or their engineer the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

PART IV.

PROVISIONS COMMON TO TRAMWAYS AND TROLLEY VEHICLES.

22. The following sections of the recited Acts shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways or tramway works by this Act authorised and to trolley vehicles:— Applying certain provisions of recited Acts to tramways and trolley vehicles.

OF THE ACT OF 1897.

- Section 7 (Inspection by Board of Trade.)
- Section 20 (Rates for passengers.)
- Section 21 (Passengers' luggage.)
- Section 22 (Animals goods &c.)
- Section 23 (Traffic upon tramways.)
- Section 24 (Corporation not bound to carry animals goods &c.)
- Section 27 (Payment of tolls.)
- Section 28 (Periodical revision of rates and charges.)
- Section 29 (Motive power.)
- Section 30 (Penalty for using mechanical power contrary to Act or regulations.)
- Section 31 (Definition of mechanical power and power to generate electricity.)
- Section 32 (Restrictions on use of electric power.)
- Section 33 (Power to acquire patent rights.)

[Ch. cxiii.] *Halifax Corporation Act, 1911.* [1 & 2 GEO. 5.]

A.D. 1911.

- Section 34 (Byelaws by Board of Trade.)
Section 36 (Amendment of the Tramways Act 1870 as to byelaws by local authority.)
Section 37 (Orders and byelaws to be signed &c.)
Section 40 (Provisions as to arbitration.)
Section 41 (Form and delivery of notices.)
Section 42 (Prohibiting the raising of fares on Sundays and holidays.)
Section 49 (Application of revenue.)
Section 50 (Provision in case of deficiency of revenue of tramways undertaking.)

OF THE ORDER OF 1899.

- Section 9 (Mechanical power works to be subject to s. 30 of Tramways Act 1870.)

OF THE ACT OF 1900.

- Section 85 (Attachment of brackets to buildings.)
Section 89 (Application of road materials excavated in construction of works.)
Section 90 (Cheap fares for labouring classes.)
Section 91 (Corporation not to carry minerals &c.)

OF THE ACT OF 1902.

- Section 32 (For protection of Postmaster-General.)
Section 34 (For protection of Fielden Joint Hospital Committee.)
Section 37 (Tramway waiting-rooms.)
Section 38 (Power to enforce queue system on tramways.)
Section 39 (Corporation may carry minerals &c. to and from railway stations.)

OF THE ACT OF 1905.

- Section 23 (Power to lay and maintain pipes and make openings in streets.)
Section 24 (Power to place posts wires &c.)

Section 26 (Corporation may lop trees overhanging public highway.) A.D. 1911.

Section 27 (As to removal of snow &c.)

Section 28 (Penalty for malicious damage.)

Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade.

23. In the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with trolley vehicles shall (as far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking. Accounts.

24.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the tramways or in connection with the trolley vehicles authorised by this Act or by an Order under this Act (in this section together referred to as "the tramways") and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:— Use of tramway posts by Postmaster-General.

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways :

(B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided :

(c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or

A.D. 1911.

replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :

- (D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided :
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as

having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided :

- (I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :
- (J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramways or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the

A.D. 1911. Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression “the Corporation” includes their lessees;

The expression “telegraph” has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

PART V.

MOTOR OMNIBUSES.

Power to provide and run omnibuses.

25.—(1) The Corporation may provide (but shall not manufacture) motor omnibuses and may run the same within the borough—

(A) In connection with the Corporation tramways when the running of carriages thereon is impracticable; or

(B) During the construction reconstruction alteration or repair thereof; or

(C) In extension of any of such tramways:

And the Corporation may demand and take such reasonable fares and charges for the conveyance of passengers therein as may be approved by the Board of Trade.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings stables and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such omnibuses but the Corporation shall not deal with any such lands so as to create or permit a nuisance.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in their motor omnibuses Provided that any such byelaws shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The Corporation shall perform in respect of the omnibuses provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated. A.D. 1911.

(6) In this section the expression "motor omnibus" means any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power.

(7) Section 92 (Power to use omnibuses) of the Act of 1900 is hereby repealed.

26. The Corporation shall keep separate accounts of their receipts and expenditure under this Part of this Act distinguishing therein capital from revenue. Separate accounts of omnibus undertaking to be kept.

PART VI.

STREET WORKS.

27. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvements and other works hereinafter described together with all necessary works approaches embankments retaining walls and conveniences connected therewith or incident thereto The street improvements and other works hereinbefore referred to and authorised by this Act are— Power to make street works.

Work No. 1 A widening of Barum Top on the western side thereof and of Bull Green and King Cross Street on the southern sides thereof commencing at a point on the north side of Bull Close Lane 40 feet west of the west side of Barum Top and proceeding on the west side thereof for a distance of 82 feet or thereabouts continuing thence along the south sides of Bull Green and King Cross Street and terminating at the east side of Regent Street at a point 39 feet south of the centre of King Cross Street:

Work No. 2 A widening of King Cross Street on the south side thereof commencing at a point on the west side of West Street 11 feet south of the northern end of such street and continuing thence along the south side of King Cross Street and terminating at the north side of Swires Road at a point 72 feet south of the centre of King Cross Street:

A.D. 1911.

Work No. 3 A widening of Burnley Road on the north side thereof commencing at the north-east side of Chapel Road 48 feet north of the centre of Burnley Road continuing thence along the north side of Burnley Road and terminating at a point 14 feet west of the west side of Granny Hill also a widening of Burnley Road on the south side thereof commencing at the east side of the north end of Wainhouse Terrace and continuing thence along the south side of Burnley Road and terminating at a point 153 feet west of the point of commencement:

Work No. 4 A widening of Trinity Road on the north side thereof commencing at a point on the west side of Wards End 27 feet from the centre of Trinity Road continuing thence along the north side of Trinity Road and terminating at the east side of Trinity Street at a point 30 feet north of the centre of Trinity Road:

Work No. 5 A widening of Whitegate Road on the east side thereof commencing at a point 72 feet south of the junction of Whitegate and Whitegate Road and 22 feet east of the centre of Whitegate Road continuing thence along the east side of Whitegate Road and terminating at a point 250 feet south of the said junction of Whitegate and Whitegate Road and 15 feet east of the centre of Whitegate Road.

Applying certain provisions of recited Acts to street works.

28. The following sections of the recited Acts shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the street works by this Act authorised:—

OF THE ACT OF 1900.

Section 95 (Limits of lateral and vertical deviation for street works);

Section 96 (Power to make subsidiary works);

Section 97 (Power to alter steps areas pipes &c.); and

Section 98 (Lands laid into new streets to be public highways).

OF THE ACT OF 1905.

Section 63 (Corporation empowered or may be required to underpin or otherwise strengthen houses near works.)

29. In estimating the amount of purchase money and compensation to be paid by the Corporation in respect of lands acquired for the purposes of or in connection with the street works by this Act authorised the benefits accruing to any other property of the person to whom the same shall be paid by reason of the construction of such street works shall be fairly estimated and shall be set off against the said purchase money and compensation.

A.D. 1911.
Benefit of improvement to be taken into consideration in fixing compensation for lands required for street improvements.

30. In settling any question of disputed purchase money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirtieth day of November one thousand nine hundred and ten if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently altered buildings.

PART VII.

WATER.

31. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situation and according to the levels shown on the deposited plans and sections the waterworks and other works following (that is to say):—

Power to make waterworks.

Work No. 1 A line or lines of pipes 50 yards or thereabouts in length commencing by a junction with the existing pipe of the Corporation (Work E) authorised by section 6 of the Act of 1898 at a point 220 yards or thereabouts measured in a north-easterly direction from the north-eastern corner of the building known as Holme Ends and terminating in the Alcomden Water at a point 202 yards or thereabouts measured in a north-easterly direction from the said corner of the said building:

Such line or lines of pipes being wholly situate in the parish of Wadsworth in the west riding of the county of York:

Work No. 2 A wall 150 yards or thereabouts in length wholly below the surface of the ground being an extension of and in the same straight line with the existing

A.D. 1911.

centre wall of the dam of the Walshaw Dean Lower Reservoir of the Corporation commencing by a junction with the easterly end of the said existing wall at a point 33 yards or thereabouts measured in a straight line in a south-easterly direction from the westerly end of the existing waste weir of the said reservoir and terminating at a point 164 yards or thereabouts measured in a straight line in a south-easterly direction from the easterly end of the said waste weir :

Such wall being wholly situate in the said parish of Wadsworth :

together with all necessary and proper junctions connections pipes conduits channels cuts flood-gates sluices weirs bye-washes embankments dams approaches engines machinery and conveniences in connection therewith.

Limits of deviation.

32. In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 feet upwards and to any extent downwards.

New water-works to be part of waterworks undertaking.

33. The works constructed under this Part of this Act shall for all purposes whatsoever be part of the waterworks undertaking of the Corporation and shall be deemed part of the reservoirs and waterworks authorised by the Act of 1898 and other Acts authorising the construction by the Corporation of waterworks.

Saving for executors of Enoch Tempest.

34. Nothing in this Act shall prejudice or affect the contract dated the fifteenth day of October one thousand nine hundred made between the late Enoch Tempest and the Corporation or the obligations and liabilities of the Corporation or the estate of the said Enoch Tempest thereunder or shall in any way override or affect the agreement dated the twenty-ninth day of June one thousand nine hundred and nine made between the executors of the said Enoch Tempest and the Corporation.

Notice to Corporation of disconnecting meters.

35. Before any person disconnects any meter by means of which any water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and the disconnecting of meters and all alterations or repairs in

connection therewith shall be done at his cost and under the superintendence of an officer of the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. A.D. 1911.

36. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage sustained by them : Injuring meters &c.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

37. The Corporation may collect their water rents rates and charges with the other rates rents and charges for the time being leviable by them or any or either of such rates rents and charges. Collection of water rents.

A.D. 1911.
Dates for
payment of
water rents.

38. Notwithstanding anything contained in section 62 of the Act of 1853 and section 70 of the Waterworks Clauses Act 1847 the Corporation may by resolution declare that their water rents rates and charges shall be payable at such date or dates as the Corporation may from time to time appoint Provided that no person shall be compellable to pay water rents so demanded for any longer period in advance than three calendar months.

Power to
Corporation
to compound
rates with
owners.

39. Where under the provisions of the recited Acts or this Act or any demand or agreement made or entered into thereunder the water rate in respect of the supply of water to any house or building or part of a house or building is payable by the owner of such house or building or part of a house or building and not by the occupier or occupiers and such owner intimates to the Corporation in writing his willingness to pay such rate whether such house or building or part of a house or building be occupied or not the Corporation shall make or allow to such owner a deduction or abatement from the amount payable by way of water rate in respect of such house or building or part of a house or building to an amount not exceeding one eighth thereof and when making or allowing any such deduction or abatement as aforesaid the Corporation may impose such terms and conditions as they may think fit Provided that all deductions or abatements shall be of equal amount under like circumstances to all consumers.

Rates pay-
able by
owners of
small houses
or tenements.

40. Where a house or tenement the rent of which becomes payable or is collected at any shorter period than quarterly is supplied with water the owner instead of the occupier shall if the Corporation so determine pay the rate or charge for the supply but the rate or charge may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate or charge.

PART VIII.

LANDS.

Power to ac-
quire lands.

41. Subject to the provisions of this Act the Corporation may enter upon take and use for the tramways street works and waterworks by this Act authorised or (in the case of the widening

or improving of any existing street) for the providing of space for the erection of buildings adjoining or near to any such street all or any of the lands delineated on the deposited plans and described in the deposited book of reference relating to those works respectively. A.D. 1911.

42. The Corporation may for the purposes of this Act in addition to the lands they are authorised to acquire and hold under the powers of the recited Acts and under the other powers of this Act from time to time by agreement, acquire in fee either by purchase or by way of exchange or otherwise any lands not exceeding in the whole ten acres or any easement right or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Corporation shall not deal with any such lands so as to create or permit a nuisance. Power to acquire additional lands by agreement.

43. Section 13 (Power to acquire easements only) of the Act of 1898 shall extend and apply to and in relation to the waterworks by this Act authorised as if that section were in this Act re-enacted with special reference thereto. Applying section 13 of Act of 1898 to lands for waterworks purposes.

44. The following sections of the Act of 1900 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the lands by this Act authorised to be acquired (that is to say):— Applying certain provisions of Act of 1900 as to lands.

Section 57 (Period for compulsory purchase of lands.)

Section 58 (Persons empowered by Lands Clauses Acts to sell lands may grant easements &c.)

Section 59 (Power to appropriate lands.)

Section 61 (Consideration for such acquisition.)

Section 62 (Correction of errors &c. in deposited plans and books of reference.)

Section 64 (Owners may be required to sell parts only of certain lands and buildings.)

Section 65 (Power to retain sell &c. lands.)

Section 66 (Proceeds of sale &c. of surplus lands.)

Provided that the provisions of the said section 59 shall not apply to any lands acquired by the Corporation for the purposes of the Education Acts 1870 to 1907 or taken over by them as successors of a school board except with the consent of the Board of Education :

A.D. 1911.

Provided also that the said section 64 shall apply in respect of the houses buildings or manufactories described or referred to in the Second Schedule to this Act.

Costs of arbitration &c. in certain cases.

45.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation had been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

PART IX.

ELECTRICITY.

Attachment of brackets &c. to buildings for lighting.

46. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for lighting any street in the borough:

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may

appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid: A.D. 1911.

- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):
- (3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building:
- (4) Nothing in this section shall prevent an owner after giving one month's notice to the Corporation pulling down or removing any building to which any attachment may have been fixed under this section.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

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

Provision in event of erroneous registration by meter in respect of supply of electricity.

A.D. 1911.

PART X.

MARKETS AND FAIRS.

Power to
lease shops
&c. in mar-
kets.

48. The Corporation may notwithstanding anything contained in the recited Acts lease for any period not exceeding twenty-one years any shop store or warehouse situate in any of their markets or forming part of or acquired in connection with their markets undertaking at such rent and on such terms and conditions as the Corporation may think fit and the lessee of any such shop store or warehouse his executors and administrators with the consent of the Corporation may assign the same for the residue of his term.

Amendment
of section 97
of Act of
1853.

49.—(1) Section 97 (Market and fair days) of the Act of 1853 is hereby amended by the addition at the end thereof of the words “nor shall a market be held on such public holiday “or other special occasions as the Corporation may by resolution “appoint.”

(2) Public notice of any resolution passed by the Corporation under the provisions of the said section 97 as so amended shall forthwith be given by advertisement in two newspapers published or circulating in the borough.

PART XI.

STREETS AND BUILDINGS.

As to
dangerous
buildings.

50.—(1) In any case where a building shall have been reported to the Corporation as dangerous to the inmates thereof or persons working therein or in the case of any building which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk enter at any hour of the day between 9 a.m. and 6 p.m. with such other persons as he may deem necessary upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works shall be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the

Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the borough. A.D. 1911.

51. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of six weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Elevation of buildings erected on front lands to be subject to approval of Corporation.

52. In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Erection of buildings to greater height than adjoining buildings.

53.—(1) Every new dwelling-house shall be provided with at least one living room with a floor area of not less than one hundred and fifteen square feet and one bedroom with a floor area of not less than one hundred and ten square feet.

Area of habitable rooms.

A.D. 1911.

(2) No bedroom or other habitable room in any such dwelling-house shall have less floor area than seventy square feet.

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

Byelaws as to building materials.

54. The Corporation may make byelaws with respect to the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act.

Means of escape from buildings in case of fire.

55.—(1) Every new building exceeding thirty-five feet in height the whole or part of which is used or intended to be used as a tavern hotel restaurant hospital boarding-house common lodging-house or school shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

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

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

For preventing water flowing on footpaths.

56. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of a notice of the Corporation for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

57. Nothing in this Part of this Act or in any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connection with their railway.

A.D. 1911.

Exemption of buildings of railway companies.

PART XII.

SEWERS DRAINS AND SANITARY PROVISIONS.

58.—(1) The Corporation may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this section called a “sewage sewer”) and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this section called a “surface-water sewer”).

Separate sewers for surface water and sewage may be required.

(2) Where under the provisions of any Acts for the time being in force in the borough the Corporation have power to require any street to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of those Acts shall apply to such sewers accordingly. Provided that the provisions of this subsection shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface-water sewers.

(3)—(A) Where in any street separate sewage sewers and surface-water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation.

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

(C) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such

A.D. 1911. premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage thereof and the Corporation may if they think fit make all such alterations.

(4) Provided that nothing in this section contained shall in any way enable the Corporation to prevent the surface water coming from any main road within the meaning of the Local Government Act 1888 entering any sewage sewer or surface-water sewer where at the date of the passing of this Act such surface-water enters either of such sewers respectively.

Corporation may make communications between private drains and their sewers on payment &c.

59. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Power to lay drains in private streets.

60. The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Notice of intention to repair drains.

61.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation or the medical officer twelve hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

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

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds. A.D. 1911.

62.—(1) The soil-pipe of any water-closet within a house or building shall be properly ventilated by means of a pipe carried up therefrom or by such other method as the Corporation shall direct. Soil-pipes to be ventilated.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

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

64. Section 126 (Conversion of existing closet accommodation into water-closets or waste water-closets) of the Act of 1900 shall be extended so as to provide as follows:— Amendment of section 126 of Act of 1900.

Any officer of the Corporation duly authorised in writing by the Corporation shall on production of his authorisation be admitted into any premises for the purposes of the said section 126 and the provisions of sections 102 and 103 of the Public Health Act 1875 shall with the necessary modifications apply to his admission.

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

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

A.D. 1911.

Watercourse
choked up
to be a
nuisance
under Public
Health Act
1875.

66. Any river stream or watercourse or any part or parts thereof respectively within the borough so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Penalty for
throwing
rubbish into
streams.

67. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the borough so as to interfere with the due flow of such watercourse shall be liable to a penalty not exceeding five pounds.

Watercourse
not to be
covered in
except in
accordance
with ap-
proved plan.

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

Provided that—

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

(B) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency necessity or otherwise of

the works required by the Corporation to be executed such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto. A.D. 1911.

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

(4) Provided that nothing in this section shall prejudice or affect the rights of any railway company under any statutory provision to culvert or cover over any watercourses within the borough.

69.—(1) As from the passing of this Act section 151 of the Act of 1900 shall be and the same is hereby repealed. For regulat-
ing manufac-
ture and sale
of ice-cream
&c.

(2) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the borough—

(a) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(b) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(c) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable for every such offence upon summary conviction therefor to a penalty not exceeding forty shillings.

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

(4) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or

A.D. 1911. stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable upon conviction to a penalty not exceeding forty shillings.

(5) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable upon conviction to a penalty not exceeding forty shillings for each offence.

(6) The Corporation shall cause public notice to be given of the effect of the provisions of this section by advertisement in a local newspaper and by handbills and otherwise in such manner as they think sufficient and the provisions of this section shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Corporation may fix.

(7) Any expenses of the execution by the Corporation of this section shall be defrayed out of the district fund and general district rate.

Prohibition of blowing or inflating carcases.

70. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the borough and any person offending against this enactment or exposing or depositing for sale within the borough a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

PART XIII.

INFECTIOUS DISEASE.

Corporation may supply antidotes against infectious disease.

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

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

A.D. 1911.
Information to be furnished to medical officer and penalty for furnishing false information.

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

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

73. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the borough of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and in any case in which notice as aforesaid is given it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Removal of body of person dying of infectious disease.

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

Persons to furnish names of laundrymen to whom clothes &c. from infected houses sent.

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

A.D. 1911.

Provisions
for notifica-
tion of tuber-
culosis of
lung.

75.—(1)—(A) Every registered medical practitioner attending on or called in to visit any person within the borough shall forthwith on becoming aware that such person is suffering from tuberculosis of the lung send to the medical officer a certificate on a form to be supplied to him gratuitously by the Corporation stating the name age sex and place of residence and employment or occupation (so far as can be reasonably ascertained) of the person so suffering and whether the case occurs in his private practice or in his practice as medical officer of any hospital public body friendly or other society or institution.

(B) Any such medical practitioner who fails to give such certificate shall be liable on summary conviction to a fine not exceeding forty shillings.

(C) The Corporation shall pay to every such medical practitioner for each certificate duly sent by him in accordance with this section a fee of not exceeding two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any hospital public body friendly or other society or institution.

(D) A payment made to any medical practitioner in pursuance of this section shall not disqualify that practitioner from serving as a member of the Corporation or as a guardian of a union situate wholly or partly in the borough or in any municipal or parochial office.

(2)—(A) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any ship vessel boat tent shed or similar structure used for human habitation) would tend to prevent or check tuberculosis of the lung the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by the Corporation at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice. If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation he fails to have the building or the part thereof disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers of and

at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers of and at the cost of the Corporation under the superintendence of the medical officer. A.D. 1911.

(B) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer authorised in that behalf in writing under the hand of the town clerk and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

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

(3)—(A) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung to cause such articles books things bedding or clothing to be delivered over to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable on summary conviction to a penalty not exceeding five pounds.

(B) Such articles books things bedding and clothing shall be disinfected by the Corporation and brought back and delivered to the owner free of charge.

(4) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of subsections (2) and (3) of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

(5) No provisions contained in any general or local Act of Parliament relating to infectious disease shall apply to tuberculosis of the lung or proceedings relating thereto under this section.

A.D. 1911.

(6) All expenses incurred by the Corporation in carrying into effect the provisions of this section shall be chargeable on the district fund and general district rate.

(7) The Corporation shall give formal notice of the provisions of this section by registered post to every medical practitioner in the borough and any other registered medical practitioner known to be in practice in the borough and this section shall come into operation at such time not being less than one month after the first publication of an advertisement prescribed by the section of this Part of this Act the marginal note of which is "Public notice to be given of provisions of this Part of Act" as the Corporation may fix.

(8) The provisions of this section shall cease to be in force within the borough at the expiration of nine years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

To prevent spread of infectious disease amongst children in Sunday schools.

76.—(1) No person being the parent or having the care or charge of a child within the borough who is or has been attending any school which has been closed by order of the Corporation with the view of preventing the spread of infectious disease shall permit such child to attend any Sunday school in the borough without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school without undue risk of communicating disease to others.

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

Power to close Sunday schools to prevent spread of infectious disease.

77.—(1) If the Corporation or the health or other the committee appointed by the Corporation to put into operation and to carry out the provisions of this section acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the borough require the closing of any Sunday school or any department thereof or the exclusion of certain children for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct management or superintendence of any Sunday school failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds. A.D. 1911.

78.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. Public notice to be given of provisions of this Part of Act.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART XIV.

POLICE.

79.—(1) Any person who deposits or keeps any obscene or indecent print picture or drawing at any premises within the borough for the purposes of sale or distribution or exhibition for purposes of gain and any person being the occupier of premises who allows any such print picture or drawing to be deposited or kept at such premises for any of the purposes aforesaid shall be liable to a penalty not exceeding for the first offence five pounds for the second offence ten pounds for the third and every subsequent offence fifty pounds. Penalty for keeping obscene pictures &c. for sale.

(2) The possession of any obscene or indecent print picture or drawing upon premises upon which prints pictures or drawings of any description are sold or are kept for sale shall be primâ facie evidence that such obscene or indecent print picture or drawing is deposited or kept for the purpose of sale.

(3) Any justice of the peace for the borough if satisfied by information on oath made before him that there is reasonable cause to believe that any obscene or indecent print picture or drawing is deposited or kept at any premises within the borough for any of the purposes aforesaid may issue a warrant under his hand by virtue of which it shall be lawful for any borough constable named therein to enter such premises at any reasonable

A.D. 1911.

time by day and to search therefor and seize and take away all such prints pictures or drawings found upon such premises and any print picture or drawing so seized shall be taken before a petty sessional court and in the event of any person being convicted in respect of any print picture or drawing so seized as aforesaid of an offence under the provisions of this section such print picture or drawing shall be destroyed but otherwise any such print picture or drawing shall be restored to the occupier of the premises in which it was seized and the court shall make an order accordingly.

(4) The chief constable of the borough shall furnish to the Secretary of State such returns as he may require of any proceedings taken under the provisions of this section.

(5) The provisions of this section shall cease to be in force within the borough at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order confirmed by Parliament which Order the Secretary of State is hereby empowered to make in accordance with the provisions of the Public Health Act 1875 relating to Provisional Orders amending local Acts and in the application of those provisions to the purposes of this section the Secretary of State shall be substituted for the Local Government Board.

Byelaws as to leading or driving cattle.

80.—(1) The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of that section for prescribing the streets in which the hours during which and the manner according to which animals may be led or driven along the streets of the borough Provided that the route or routes prescribed by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid Provided also that any such byelaws shall only be in operation between the hours of eight o'clock in the morning and nine o'clock in the evening and shall not prevent the owner of any animal driving the same to his own premises.

(2) Section 46 of the Act of 1905 (As to leading or driving cattle) is hereby repealed. A.D. 1911.

81. An occasional licence for a hackney carriage or other public vehicle may be granted by the Corporation to be in force for such day or days or other period less than a year as may be specified in the licence. Occasional licences may be granted for public vehicles.

82. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation with respect to hackney carriages and other public vehicles shall be as fully applicable in all respects to hackney carriages and other public vehicles within the borough conveying passengers to or from any railway station within the borough as if such railway station were a public stand for public vehicles: As to public vehicles taken at railway station.

Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage or other vehicle in any railway station or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

83. For the purpose of the provisions of the recited Acts and of the Town Police Clauses Acts 1847 and 1889 with respect to hackney carriages the borough shall be the prescribed distance except with respect to any hiring taking place within the borough in which case ten miles from the town hall shall be the prescribed distance: Extending limits of bye-laws as to hackney carriages.

Provided that it shall not be obligatory on the drivers of hackney carriages to contract to carry persons for hire a longer distance beyond the borough than five miles and in the case of any such hiring within the borough any offence against any byelaw of the Corporation with respect to hackney carriages whether such offence shall have been committed within the borough or not may be brought before and determined by any justice or justices of the peace having jurisdiction in the borough.

A.D. 1911.

PART XV.

SUPERANNUATION FUND.

Definitions
in this Part
of Act.

84. In this Part of this Act and subject to the provisions thereof—

“Appointed day” means the day appointed by the Corporation for this Part of this Act to come into operation;

“Officer” or “servant” means an officer or servant now or hereafter in the permanent and exclusive service of the Corporation and designated an officer or servant in an established capacity for the purposes of this Part of this Act by a resolution of the Corporation passed or to be passed and whether in receipt of salary or wages but not an officer or servant who shall be entitled to superannuation under the Police Act 1890;

“Service” means service as an officer or servant from and after the commencement of ten years prior to the appointed day and after such officer or servant shall have attained the age of twenty years and after in the case of any person appointed subsequently to the passing of this Act designation as aforesaid;

“Aggregated service” means service which shall be aggregated and reckoned in accordance with the provisions of the section of this Act whereof the marginal note is “Aggregated service”;

“Superannuation fund” means the superannuation fund established by the Corporation under the provisions of this Part of this Act.

Title of
officers and
servants to
superannua-
tion allow-
ances.

85. Subject to the provisions of this Part of this Act every officer or servant who shall be a contributor to the superannuation fund and shall have completed ten years service or aggregated service and who shall become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body (other than permanent incapacity due to an injury in respect of which he receives compensation under the Workmen's Compensation Act 1906) or of old age or shall have attained the age of sixty years and have completed an aggregate service of forty years or shall have attained the full age of sixty-five years shall be entitled on resigning or otherwise ceasing to hold his office or employment to receive during life out of the

superannuation fund a superannuation allowance according to the scale laid down in this Part of this Act. A.D. 1911.

An officer or servant shall not be entitled to an allowance on the ground of old age unless he has completed the full age of sixty years.

Where an officer or servant has attained the age of sixty-five years and the Corporation is of opinion that it would be expedient in the interests of the public service that he should cease to hold his office or employment it shall be competent for the Corporation to require him to retire upon payment to him of the superannuation allowance to which he may be entitled under this Part of this Act.

86. Subject to the provisions of this Part of this Act all periods of service by an officer or servant rendered after he shall have attained the age of twenty years and before his appointment and designation as an officer or servant in the permanent and exclusive service of the Corporation or of any authority or authorities body or bodies to whom the Vestries Acts 1818 to 1853 the Public Health Acts the Public Libraries Acts 1892 and 1893 the Baths and Washhouses Acts 1846 to 1882 the Local Government Act 1888 the Local Government Act 1894 the Union Assessment Committee Acts the Municipal Corporations Act 1882 the Poor Law Officers' Superannuation Act 1896 the Education Acts 1870 to 1902 the Technical Instruction Acts or one or more of such Acts applied or applies and whether the duties or powers of such authority or authorities body or bodies shall have been transferred to the Corporation or not shall be aggregated and reckoned for the purposes of this Part of this Act: Aggregated service.

Provided that no period of service shall be so aggregated and reckoned in a case where an officer or servant is unable to prove to the reasonable satisfaction of the Corporation within a period of three months from the appointed day or in the case of an appointment and designation made subsequently to such day within a period of three months from the date of such appointment and designation that he has been in the service or employment of any such authority or authorities body or bodies :

Provided further that the period of service to be aggregated and reckoned as aforesaid shall in the case of an officer or servant at the appointed day be limited to such period as together

A.D. 1911. with his service at such appointed day shall amount to a period not exceeding ten years and shall in the case of an officer or servant designated subsequently to the appointed day be limited to the ten years preceding such designation.

As to reckoning prior service or aggregated service.

87. In the case of an officer or servant at the appointed day no service or aggregated service prior to such day and in the case of an officer or servant appointed or designated subsequently to the appointed day no aggregated service shall be reckoned as or shall be service or aggregated service as the case may be for the purposes or within the meaning of this Part of this Act if such officer or servant within three months from the date of his first becoming entitled to become a contributor to the superannuation fund shall notify to the Corporation in writing his desire that such service or aggregated service shall not be reckoned but otherwise any such officer or servant in respect of such period of service or aggregated service as shall under the provisions of this Act be entitled to be reckoned as service or aggregated service shall (subject to the provisions of this Part of this Act) contribute in respect thereof to the superannuation fund an amount equal to the total sum which he would have contributed during a like period in the service or employment of the Corporation in respect of a salary or wages of a like amount to that he was receiving at the appointed day or was or is to receive as and from his designation as the case may be together with compound interest thereon throughout the period at the rate of three pounds ten shillings per centum per annum and also in the case of aggregated service other than with the Corporation a further amount equal to one pound per centum per annum during the aforesaid period upon the aforesaid amount of salary or wages and the liability imposed by this section shall be discharged within three months of the date of the certificate of the treasurer of the amount payable or by instalments spread over such period as the Corporation shall determine.

Obligation of officers and servants to contribute.

88. Subject to the provisions of this Part of this Act every officer or servant shall contribute annually for the purposes of this Part of this Act at such rate not exceeding (save as hereinafter provided with respect to teachers) four pounds per centum per annum on the amount of his salary or wages as the Corporation shall from time to time determine the said contribution to be from time to time deducted from the salary or wages payable to him.

89. The scale for superannuation allowances shall be as follows (that is to say):—

A.D. 1911.

Scale of
superannua-
tion allow-
ances.

Such an annual allowance as shall be equal to one eightieth of the average annual amount of the salary or wages of the officer or servant entitled thereto during the five years ending on the day which immediately precedes the day on which he ceases to hold his office or employment multiplied by the number of complete years comprised in the service or aggregated service of such officer or servant:

Provided that in no case shall any such allowance exceed forty eightieths of the said average annual amount of the salary or wages:

Provided also that where an officer or servant is unable by reason of physical or mental infirmity to perform the duties for which he was appointed but is employed at a reduced salary or wages he may if the Corporation allow contribute to the superannuation fund on the basis of the higher salary or wages and be entitled to the superannuation allowance on such higher salary or wages.

90. Where a person in receipt of a superannuation allowance under this Part of this Act is appointed to any office or employment by the Corporation or by any authority where his salary or wages shall be paid directly or indirectly out of any rate or rates or out of any public moneys such allowance shall cease to be paid so long as he continues to hold such office or employment if the salary or wages thereof are equal to or in excess of the amount of such allowance and if less then only so much of such allowance shall be paid so long as he holds such office or employment as will make up the deficiency.

Case of sub-
sequent ap-
pointment.

Any such person on ceasing to hold such office or employment shall be entitled to revert to and to receive the full amount of his original superannuation allowance.

91. An officer or servant who has not become entitled to a superannuation allowance and who resigns his office or employment or loses his office or employment by reason of a reduction of staff or otherwise or ceases to hold his office or employment by reason of bodily injury not occasioned by his own default or of any other cause whatever other than his own misconduct shall be entitled to receive out of the superannuation fund a sum equal to the amount of all his contributions to such fund (including

Return of
contributions
and power to
grant gra-
tuities.

A.D. 1911. any amount not being interest contributed by him in respect of prior or aggregated service) but if he subsequently be again appointed to be an officer or servant his prior service or aggregated service (if any) shall not be reckoned as or be service for the purposes or within the meaning of this Part of this Act unless upon his fresh appointment he pays the amount so received to the fund and he shall not be entitled to reckon as aggregated service a longer period than with the prior aggregated service will amount to a period of ten years.

In any such case of loss of office or employment as aforesaid the Corporation may also grant to the officer or servant a gratuity payable out of the superannuation fund not exceeding twice the amount of his salary or wages during the year ending on the day which immediately precedes the day on which he ceases to hold his office or employment.

Return in
case of death.

92. In the event of an officer or servant dying before becoming entitled to or receiving a superannuation allowance under the provisions of this Part of this Act the Corporation shall pay to his legal personal representatives out of the superannuation fund a sum equal to the whole of the contributions (including any amount not being interest contributed by him in respect of prior service or aggregated service) made by such officer or servant to the superannuation fund under this Part of this Act.

Superannua-
tion fund.

93.—(1) The Corporation shall establish and administer a superannuation fund to which shall be carried and credited—

(A) A sum hereinafter called “the primary annual contribution” to be raised annually in and by the borough fund and other the several revenues of the Corporation and to bear such a proportion to the total salaries of the officers and servants contributing to the fund as hereinafter provided;

(B) All percentage amounts of salary or wages deducted and other the sums contributed by the officers and servants as in this Part of this Act provided;

(C) All dividends or interest arising out of the investment of the superannuation fund or any part thereof; and

(D) Such amount out of the borough fund and other the several revenues of the Corporation as may be required to meet any deficiency on the superannuation fund.

(2) The following shall be charged upon the superannuation fund (namely):—

(A) Superannuation allowances made in pursuance of this Act;

(B) Contributions or parts of contributions returned or paid and gratuities granted in pursuance of this Part of this Act.

94. Within six months after the appointed day and at the expiration of every subsequent period of seven years the condition of the superannuation fund shall be submitted by the Corporation to an actuary being a fellow either of the Institute of Actuaries or of the Faculty of Actuaries in Scotland appointed by them who shall consider the same and shall make an actuarial valuation of the fund and on the basis of such valuation shall certify what proportion in his opinion the primary annual contribution shall bear to the total salaries of the officers and servants contributing to the fund so that such proportion shall at all times be as nearly constant and vary as little as may be and so that without further recourse to the borough fund or other the several revenues of the Corporation the superannuation fund as constituted under paragraphs (A) (B) and (C) of subsection (1) of the section of this Act of which the marginal note is "Superannuation fund" shall be solvent (having regard to existing and prospective liabilities) and for the then ensuing septennial period the primary annual contribution shall be the proportion so certified and shall be paid to the superannuation fund accordingly.

Actuarial investigation.

95. At the end of each financial year the surplus of the annual income of the superannuation fund above the expenditure thereout shall be invested in statutory securities and the income thereof paid into that fund.

Investment of surplus of fund.

96.—(1) A copy of the provisions of this Part of this Act shall be sent or delivered to each officer or servant in the service or employment of the Corporation at the date of the passing of this Act as soon as may be after such date and shall be sent or delivered to every officer or servant who may be appointed and designated subsequently to the said date as soon as may be after he shall have been so appointed and designated or after the appointed day whichever shall last happen.

Provisions of this Part of Act not to be compulsory.

(2) Any officer or servant who shall not within three months after a copy of the provisions of this Part of this Act shall have

A.D. 1911. been sent or delivered to him as hereinbefore provided signify in writing to the Corporation his desire to avail himself of the provisions of this Part of this Act shall be deemed not to desire to so avail himself. And in that event he shall not be required to make any contributions or to submit to any deduction from his salary or wages under this Part of this Act nor shall he be entitled to receive any superannuation allowance gratuity or other benefit under this Part of this Act.

(3) For the purpose of this section and of this Part of this Act in the case of any officer or servant who at the passing of this Act or at the appointed day or at the date of his designation as the case may be shall not have attained the age of twenty years and upon attaining such age shall still be in the service or employment of the Corporation the day on which he shall attain such age shall be deemed to be the date of his appointment and designation.

As to
teachers.

97. The following provisions shall have effect with respect to and for the benefit of any teacher who at the passing of this Act is or hereafter shall be permanently and exclusively employed by the Corporation as the local education authority for the borough or is permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not so provided) or is permanently and exclusively employed in any school college or hostel provided by the Corporation as the local education authority for the purpose of Part II. of the Education Act 1902 (and any such teacher is in this section hereinafter called "the teacher") (that is to say):—

(1) In this Part of this Act and subject to the provisions of this section the expression "officer" or "servant" shall include the teacher:

(2) Any period of service by a teacher prior to the day appointed to be the appointed day under the Education Act 1902 in a school which has not been provided by the local education authority shall not be reckoned as and shall not be service for the purposes of this Part of this Act:

(3)—(A) In the application of this Part of this Act to any teacher to whom the Elementary School Teachers (Superannuation) Act 1898 (in this section called "the Act of 1898") applies the amount of the super-

annuation allowance to be made to the teacher under the provisions of this Part of this Act shall be complementary to the amount of the deferred annuity to which the teacher is entitled and of the superannuation allowance which may be granted to the teacher under the Act of 1898 (in this section hereinafter called "the benefits under the Act of 1898") and the salary or wages in respect of which he shall contribute to and receive an annual allowance from the superannuation fund shall be so much (if any) of the actual salary or wages for the time being receivable by him as shall remain after deducting from such last named salary or wages a sum equal to twice the amount of the benefits under the Act of 1898 receivable by him. Provided that the total amount of the contributions to be so made by him shall be at such rate or rates per centum per annum on the salary or wages calculated as aforesaid as the Corporation on the report of the actuary shall determine to be proper so that the total amount of the contributions made by the teacher at the time when he shall become entitled to an annual allowance from the superannuation fund shall as nearly as may be bear the same ratio to the amount of such allowance as the total amount of the contributions made at the like time by any other officer or servant with a like service or aggregated service shall bear to the amount of the annual allowance receivable by such officer or servant :

(B) For the purpose of giving effect to the provisions of this subsection the Corporation shall by resolution from time to time determine the amount of the benefits under the Act of 1898 and prescribe a scale determining the rate or rates of contribution aforesaid :

(c) If at any time hereafter under the Act of 1898 or by reason of the passing of any general Act of Parliament whether in this or in any subsequent session of Parliament or otherwise the benefits under the Act of 1898 shall be materially increased the Corporation shall by an amending resolution make such provision as shall be necessary to meet the altered circumstances and by such resolution shall provide for the return to the teacher or the credit to him on account of future

A.D. 1911.

contributions to the superannuation fund of the amount of any payments made by him to such fund before the date of the amending resolution in respect of any part proportion or amount of his salary or wages in excess of the part proportion or amount in respect of which as determined by the said amending resolution he will thereafter be entitled to contribute to and receive an annual allowance from the superannuation fund:

(D) No part of any benefit or superannuation allowance received by any teacher from the Corporation superannuation fund shall be deemed to be paid out of or received from public money within the meaning of the Act of 1898 or any rules made thereunder or otherwise.

Corporation to be registered under Friendly Societies Act.

98. The Corporation shall in respect of the superannuation fund be registered under the Friendly Societies Act 1896 and the provisions of that Act (except the proviso to subsection (1) of section 8 and sections 28 and 41) so far as they are applicable and are not inconsistent with the provisions of this Part of this Act shall apply as if (A) the Corporation were a society to which that Act applies and were the trustees of such society (B) as if the provisions of this Part of this Act were the rules of such society (C) as if the superannuation fund were the funds of such society and (D) as if the contributors to the fund were the members of such society:

Provided that the powers of sections 70, 71, 73, 78 and 79 of the said Act shall not be exercised without the consent of the Corporation and that the Corporation shall send to the registrar under the said Act a copy of any certificate and report made in pursuance of the section of this Act of which the marginal note is "Actuarial investigation."

As to application of this Part of Act.

99. Within nine months after the passing of this Act the provisions of this Part of this Act shall be submitted by the Corporation to an actuary being a fellow either of the Institute of Actuaries or of the Faculty of Actuaries in Scotland appointed by them for report as to what the amount of the primary annual contribution as by this Part of this Act provided will be required to be and such report after consideration by the Corporation shall be submitted to the Local Government Board and when that Board are satisfied that the report complies with the provisions of this Part of this Act they shall inform the Corporation

accordingly and thereafter the Corporation may appoint a day for this Part of this Act to come into operation Provided that this Part of this Act shall not come into operation unless and until the Corporation appoint a day as aforesaid. A.D. 1911.

PART XVI.

FINANCE AND RATING.

100.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column of the said table (namely):— Power to borrow.

Purpose.	Amount.	Period for Repayment.
(a) For and in connection with the construction of the tramways authorised by this Act.	£ 31510	Thirty years from the date or dates of borrowing.
(b) For the provision of electrical equipment and the construction of other works for the purpose of the tramways authorised by this Act.	4132	Twenty years from the date or dates of borrowing.
(c) For the provision of top deck covers for the existing tramway cars.	6600	Seven years from the date or dates of borrowing.
(d) For the provision of omnibuses and motor cars.	4800	Four years from the date or dates of borrowing.
(e) For the purchase of lands for the street works authorised by this Act.	39010	Sixty years from the date or dates of borrowing.
(f) For the construction of the said street works.	9550	Thirty years from the date or dates of borrowing.
(g) For the purchase of lands for and the construction of the waterworks authorised by this Act.	30000	Fifty years from the date or dates of borrowing.
(h) For paying off the amount owing on the 31st day of March 1911 in respect of loans raised under the sanction of the Local Government Board dated the 30th day of July 1904 for waterworks purposes.	48662	Thirty-two years from the 31st day of March 1911.
(j) For the purpose of repaying the sum expended by the Corporation upon the construction of the Walshaw Dean Reservoirs authorised by the Act of 1898.	53516	Forty-five years from the passing of this Act.

A.D. 1911.

Purpose.	Amount.	Period for Repayment.
(k) For the completion of the Walshaw Dean Reservoirs.	£ 23000	Fifty years from the date or dates of borrowing.
(l) For repaying the sum expended by the Corporation upon the construction of works in connection with the Ramsden Wood Reservoir.	878	Thirty years from the passing of this Act.
(m) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of the tramway undertaking of the Corporation and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act other than purposes of that undertaking :

Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Board with whose consent it is borrowed.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards money borrowed for the purposes (a) (b) and (c) hereinbefore mentioned and any money borrowed for the purposes of the tramway undertaking of the Corporation the revenue of that undertaking and the borough fund and borough rate or either of those securities :

As regards money borrowed for the purpose (d) the revenue of the omnibus undertaking of the Corporation and the borough fund and borough rate or either of those securities :

As regards money borrowed for the purposes (e) and (f) the district fund and general district rate :

As regards money borrowed for the purposes (g) (h) (j) (k) and (l) the revenue of the waterworks undertaking of the Corporation and the borough fund and borough rate or either of those securities :

As regards money borrowed for the purpose (m) the borough fund and borough rate the district fund and general district rate and the revenues of the respective undertakings

of the Corporation in such proportions as the Corporation may determine: A.D. 1911.

As regards money borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe:

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

Provided always that as regards all rates to be laid under the powers of this Act relating to water the occupiers of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance and of any land used as arable meadow or pasture ground only or as woodlands market gardens or nursery grounds and of any land covered with water and used only as a canal or towing path and the owners of any tithes or tithe commutation rentcharge shall be assessed to such rates in respect of the same in the proportion of one fourth part only of the net annual value thereof:

Provided always that as regards all rates to be laid under the powers of this Act relating to tramways owned leased or worked by the Corporation outside the borough if at any time such tramways are worked at a loss the occupiers of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance and of any land covered with water, and used only as a canal or towing path shall be assessed to such rates in respect of the same in the proportion of one fourth part only of the net annual value thereof and in order to give effect to this section the Corporation shall as far as reasonably practicable keep separate accounts of receipts and expenditure in connection with such tramways and such accounts shall at all reasonable times be open to the inspection of the railway and canal company occupying any such land and their officers.

101.—(1) For the purpose of providing temporarily during any financial year for their current expenses as a municipal or sanitary authority (whether under the provisions of public general or local Acts) or for the current expenses of their gas water electricity or tramway undertakings respectively and after the commencement of such year it shall be lawful for the Corporation to borrow by way of temporary loan or overdraft from As to temporary borrowing.

A.D. 1911. any bank or on temporary loan on deposit receipt from any person such sums as they may from time to time resolve not exceeding in the aggregate at any time an amount equal to one fourth of the total aggregate amount of the before-mentioned expenses for the immediately preceding financial year and any amount so borrowed shall form a charge upon the rates or undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Corporation authorising such borrowing *pari passu* with any bond or mortgage affecting the same and it shall further be lawful for the Corporation to utilise for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve Provided that—

(A) All sums so borrowed in respect of the current expenses of any financial year shall be repaid before the expiry of such year out of the revenue of such year:

(B) The treasurer shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require:

(C) After the receipt of the said report the Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

(2) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and eleven unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health

Act 1875 and in the event of that Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary. A.D. 1911.

102. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Section 234 of Public Health Act not to apply.

103. The following sections of the recited Acts shall (with the necessary modifications and subject to the provisions of this Act) extend and apply mutatis mutandis to the moneys borrowed under this Act (namely):— Application of sections of recited Acts as to borrowing.

OF THE ACT OF 1888.

Section 34 (Mode of raising moneys);

Section 39 (Protection of lender from inquiry).

OF THE ACT OF 1898.

Section 42 (Application of money borrowed);

Section 44 (Sinking fund).

OF THE ACT OF 1902.

Section 94 (Provisions as to mortgages);

Section 95 (Mode of payment off of money borrowed);
and

Section 102 (Expenses of execution of Act).

104. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register. Corporation not to regard trusts.

A.D. 1911.

Power to re-borrow.

105.—(1) The Corporation shall have power—

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

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

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

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

- (A) By instalments or annual payments; or
- (B) By means of a sinking fund; or
- (C) Out of moneys derived from the sale of land; or
- (D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 38 (Power to re-borrow) of the Act of 1888 and so much of section 48 of the Act of 1897 of section 41 of the Act of 1898 of section 169 of the Act of 1900 of section 96 of the Act of 1902 and of section 58 of the Act of 1905 as confers upon the Corporation power to re-borrow are hereby repealed but without prejudice to anything done or suffered to be done thereunder.

Power to use one form of mortgage for all purposes.

106.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of

exercising such power grant mortgages in pursuance of the provisions of this section. A.D. 1911.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Third Schedule to this Act or to the like effect.

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

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

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

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

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

A.D. 1911.

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

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

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

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

Power to use
sinking fund
instead of
borrowing.

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

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

shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

A.D. 1911.

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

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

- (A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

- (B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

- (C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

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

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

108.—(1) The treasurer shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment

Return to
Local
Government
Board as to
sinking
fund.

A.D. 1911. or to be appropriated or to be paid to the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power (other than moneys raised under the Order of 1886) and not raised by the issue of stock and at any other time when the Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Board shall require and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

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

Treasurer
instead of
town clerk to
make annual

109. From and after the passing of this Act the treasurer shall make to the Local Government Board any return in relation to any loans fund or provision for the repayment of loans which by

the recited Acts or any of them the town clerk is required to make and any provision relating to the making of such return in the recited Acts shall be read and have effect as if the treasurer were mentioned therein in lieu of the town clerk.

A.D. 1911.

returns to
Local Government
Board.

110.—(1) The Corporation may appoint and remove such officers as they may deem necessary to assist the overseers of the parish of Halifax in the discharge of their duties and the salaries and expenses of such officers shall be determined by the Corporation and paid out of the poor rate and other local rates and funds in such proportion as the Corporation shall determine.

Assistants to
overseers of
Halifax.

(2) All officers so appointed shall give security for the due performance of their duties as may be required by the Corporation and such security shall be deposited with the Corporation.

111. Section 148 (Power to rate owners in certain cases) of the Act of 1858 is hereby repealed and the following provisions shall have effect in lieu thereof:—

Rates payable by
owners of
small property.

It shall be lawful for the Corporation if they think fit to rate any owner or owners of rateable property of which the full net annual value does not exceed the sum of ten pounds or which is let to weekly or monthly tenants or in separate apartments or for which the rent becomes payable or is collected at any shorter period than quarterly instead of rating the occupier or occupiers of such property and every such owner so rated shall pay such rates instead of the occupier but in every such case the Corporation shall make to such owner any allowance they think reasonable not exceeding fifteen pounds per centum of such net annual value by way of compensation. Provided always that no such owner shall be assessed in respect of any increased rent which may become payable to him by reason of his so compounding for or becoming liable to any rates as aforesaid. Provided further that where the owner is willing to enter into an agreement to pay the rates whether the premises are occupied or not the Corporation may make a further allowance not exceeding ten pounds per centum of the said net annual value. Provided also that the Corporation shall not be bound to make any allowance as provided by this section where the amounts due in respect of rates are not paid within the time prescribed by the Corporation such time to be endorsed upon every demand note in respect of such rates.

A.D. 1911.

Summary
recovery of
rates.

112. Notwithstanding anything contained in any of the recited Acts any sum of money due in respect of any rate levied by or in pursuance of the order or precept of the Corporation may be recovered summarily as a civil debt provided that any complaint in respect thereof shall be made within twelve calendar months from the time when the matter of such complaint arose.

PART XVII.

MISCELLANEOUS.

Increase in
accident fund
and exten-
sion of
powers to
meet claims
arising from
all accidents.

113. Section 111 (Power to create accident fund) of the Act of 1902 is hereby amended so as to empower the Corporation to enlarge the amount of such fund to the sum of thirty thousand pounds and notwithstanding anything contained in the said section such fund shall be available for the purpose of meeting and discharging claims in respect of all accidents arising to employees or others whether under the common law the Employers' Liability and Workmen's Compensation Acts or otherwise for which the Corporation may be liable including any costs and expenses arising from or in consequence of any such accident.

Lost pro-
perty.

114. Any property found in any tramcar trolley vehicle or motor omnibus of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof paid into the revenue of the tramways undertaking or the motor omnibus undertaking as the case may be.

Byelaws as
to cemetery.

115. The Corporation shall with respect to any cemetery belonging to them and established under the recited Acts or the Burial Acts have the same power of making byelaws as if such cemetery had been established under the Public Health (Interments) Act 1879.

Evidence of
appoint-
ments au-
thority &c.

116. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to

prove any resolution or order of the council or of any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document. A.D. 1911.

117. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly. In executing works for owner Corporation only liable for negligence.

118. All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk. Consent of Corporation to be in writing.

119. Where under the provisions of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportionment of expenses in case of joint owners.

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

A.D. 1911.

Saving for
indictments
&c.

121. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other 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.

Confirmation
of byelaws.

122. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 are applicable under this Act.

Incorporation of certain sections of recited Acts.

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

OF THE ACT OF 1902.

- Section 116 (Temporary stoppage of streets);
- Section 117 (Persons acting in execution of Act not to be personally liable);
- Section 119 (Inquiries by Local Government Board);
- Section 121 (Authentication and service of notices &c.);
- Section 122 (Powers of Act cumulative);
- Section 123 (Informations by whom to be laid);
- Section 124 (As to committees);
- Section 125 (Compensation how to be determined);
- Section 126 (As to appeal);
- Section 127 (Recovery of penalties &c.);
- Section 128 (Penalties to be paid over to treasurer);
- Section 129 (Damages and charges to be settled by justices);
- Section 131 (Audit of accounts).

OF THE ACT OF 1905.

- Section 65 (As to breach of conditions of consent of Corporation); and
- Section 67 (Crown rights).

124.—(1) A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other local Act by reason of his being liable to any rate. A.D. 1911.
Judges not
disqualified.

(2) Section 130 (Judges not disqualified) of the Act of 1902 is hereby repealed.

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

A.D. 1911. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LOCAL ACTS.

Session and Chapter.	Title or Short Title.
3 Geo. IV. c. xxx.	An Act for lighting with gas the town and township of Halifax and the neighbourhood thereof within the parish of Halifax in the West Riding of the county of York.
4 Geo. IV. c. xc.	An Act for paving lighting cleansing watching and improving the township of Halifax and for supplying the same with water.
13 & 14 Vict. c. xlii.	An Act to confirm the incorporation of certain boroughs and to provide for the payment of the expenses of the incorporation of new boroughs.
16 & 17 Vict. c. clxvii.	The Halifax Improvement Act 1853.
18 & 19 Vict. c. cxliv.	The Halifax Gas Act 1855.
19 & 20 Vict. c. xxvi. s. 2.	The Public Health Supplemental Act 1856 (section 2).
21 & 22 Vict. c. xci.	The Halifax Park and Improvement Act 1858.
25 Vict. c. xli.	The Halifax Improvement Act 1862.
28 & 29 Vict. c. cxl.	The Halifax Extension and Improvement Act 1865.
31 & 32 Vict. c. cxxvii.	The Halifax Corporation Waterworks and Improvement Act 1868.
33 & 34 Vict. c. xc.	The Halifax Water and Gas Extension Act 1870.
39 & 40 Vict. c. ccxxxiv.	The Halifax Water and Gas Extension Act 1876.
45 & 46 Vict. c. ccxxxiv.	The Halifax Corporation Act 1882.
51 & 52 Vict. c. xlv.	The Halifax Corporation Waterworks Act 1888.
60 & 61 Vict. c. xciv.	The Halifax Corporation Tramways Act 1897.
61 & 62 Vict. c. cxlvi.	The Halifax Corporation Act 1898.
63 & 64 Vict. c. ccxxxiv.	The Halifax Corporation Act 1900.
2 Edw. 7. c. cxxiv.	The Halifax Corporation Act 1902.
5 Edw. 7. c. ccv.	The Halifax Corporation Act 1905.

ACTS CONFIRMING PROVISIONAL ORDERS.

A.D. 1911.

Session and Chapter.	Short Title.	Order relating to Halifax thereby confirmed.
14 & 15 Vict. c. ciii.	The Public Health Supplemental Act 1851 (No. 3).	The Halifax Order 1851.
44 & 45 Vict. c. lxvi.	The Local Government Board's Provisional Orders Confirmation (Halifax &c.) Act 1881.	The Halifax Order 1881.
49 & 50 Vict. c. lxi.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1886.	The Halifax Order 1886.
50 & 51 Vict. c. cxxii.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1887.	The Halifax Order 1887.
52 & 53 Vict. c. cxiii.	The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1889.	The Halifax Order 1889.
53 & 54 Vict. c. lxxxii.	The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1890.	The Halifax Order 1890.
55 & 56 Vict. c. lxxi.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1892.	The Halifax (No. 2) Order 1892.
55 & 56 Vict. c. cc.	The Local Government Board's Provisional Orders Confirmation (No. 9) Act 1892.	The Halifax (No. 3) Order 1892.
55 & 56 Vict. c. ccxxii.	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1892.	The Borough of Halifax Order 1892.
55 & 56 Vict. c. xxxvii.	Electric Lighting Orders Confirmation (No. 2) Act 1892.	The Halifax Corporation Electric Lighting Order 1892.
58 & 59 Vict. c. lxxvi.	Commons Regulation (Halifax) Provisional Order Confirmation Act 1895.	
59 Vict. c. xxix.	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1896.	The Halifax Order 1896.
62 & 63 Vict. c. cxi.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1899.	The Borough of Halifax Order 1899.
62 & 63 Vict. c. cli.	Tramways Orders Confirmation (No. 1) Act 1899.	The Halifax Corporation Tramways Order 1899.
1 Edw. 7. c. cxlvii.	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1901.	The Halifax and Sowerby Bridge Order 1901.

A.D. 1911.

THE SECOND SCHEDULE.

PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

Borough or Parish.	Numbers on deposited Plans.
STREET WORKS.	
Halifax - - -	132 to 136 238 249 to 252 254 and 326 to 333.
WATERWORKS.	
Wadsworth - - -	1 2 3 and 27.

THE THIRD SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Halifax Corporation Act 1911 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the county borough of Halifax (hereinafter referred to as "the Corporation") in consideration of the sum of

pounds paid to the treasurer of the borough by
(hereinafter referred to as "the mortgagee")

do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of

pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of

per centum per annum from the day of

one thousand nine hundred and

until payment of the said principal sum such interest to be paid half-yearly on the day of

and the day of

in each year And it is hereby agreed that the said principal sum of

pounds shall be repaid at the municipal offices in the said borough [(subject as hereinafter provided) on the day of

one thousand nine hundred and] [by]:

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

A.D. 1911.

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

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this _____ day of _____ one thousand nine hundred and _____

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] _____ [of _____] in consideration of the sum of _____ pounds paid to me by _____ of _____ (hereinafter referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number _____ of the revenues of the mayor aldermen and burgesses of the county borough of Halifax bearing date the _____ day of _____] and all my right and interest under the same subject to the several conditions

[Ch. cxiii.] *Halifax Corporation Act, 1911.* [1 & 2 GEO. 5.]

A.D. 1911, on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this _____ day of _____ one thousand
nine hundred and _____

Printed by EYRE and SPOTTISWOODE, Ltd.,

FOR

ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or
OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN.