

[11 & 12 GEO. 5.] *Batley Corporation*
Act, 1921.

[Ch. cxiii.]



CHAPTER cxiii.

An Act to empower the mayor aldermen and burgesses of the borough of Batley to construct additional waterworks to make further provision in regard to their water gas and electricity undertakings to make further provision for the improvement health and good government of the borough and for other purposes.

A.D. 1921.

[19th August 1921.]

WHEREAS the borough of Batley (in this Act called "the borough") is subject to the Acts relating to municipal corporations and is under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") acting by the council :

And whereas the several local Acts and Provisional Orders confirmed by Parliament mentioned 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 in force within the borough which Acts and Orders are in this Act referred to collectively as "the former Acts" and each of them separately as an Act or Order of the year in which the same was passed or made the Batley Order 1896 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 18) Act 1896 being in this Act referred to as "the Order of 1896" and the Batley Electric Lighting Order 1898 scheduled to and confirmed by the Electric Lighting Orders Confirmation (No. 3) Act 1898 being in this Act referred to as "the Order of 1898" :

[Price 9s. 6d. Net.]

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And whereas the Corporation are the owners of the water undertaking of the borough and under the powers of the Acts of 1871 and 1878 and the Orders of 1885 1890 1896 and 1918 supply water within the borough and elsewhere :

And whereas it is expedient that the Corporation should be authorised to construct the waterworks described in this Act and to acquire lands and easements for the purposes thereof and for the general purposes of their water undertaking :

And whereas it is expedient that the further provisions with regard to the water gas electricity and markets undertakings of the Corporation set forth in this Act should be enacted :

And whereas it is expedient that further powers should be granted to the Corporation for the improvement and better government and for the protection of the health of the borough as in this Act provided :

And whereas all the expenses of the Corporation whether as a municipal or sanitary authority or under the former Acts or otherwise are payable out of the borough fund and borough rate and the district fund and general district rate or one of such funds and rates :

And whereas it is expedient that all the said expenses of the Corporation should be defrayed out of the borough fund and borough rate and that the provisions contained in this Act with respect to the consolidation of rates should be made :

And whereas it is expedient that further borrowing powers for the purposes of this Act and for the other purposes hereinafter referred to should be conferred upon the Corporation :

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

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

And whereas estimates have been prepared by the Corporation for the purchase of lands and easements and for the execution of the works by this Act authorised and such estimates are as follows :—

	£
For the construction of the waterworks -	495,300
For the acquisition of lands and ease- ments therefor - - - - -	4,600

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years : A.D. 1921.

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

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act (other than Work No. 5A) and plans showing the lands which the Corporation may acquire under the powers of this Act and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same were in the month of November one thousand nine hundred and twenty deposited with the clerk of the peace for the west riding of the county of York :

And whereas a plan and section showing the line situation and levels of the aqueduct conduit or line or lines of pipes (Work No. 5A) by this Act authorised (such plan showing also the lands which the Corporation may acquire under the powers of this Act for the purposes of the said aqueduct conduit or line of pipes) and a book of reference to the said plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same were in the month of April one thousand nine hundred and twenty-one deposited with the said clerk of the peace :

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

PART I.

PRELIMINARY.

1. This Act may be cited as the *Batley Corporation Act 1921.* Short title.

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

Part I.—Preliminary.

Part II.—Water.

Act divided into Parts.

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Part	III.—Lands.
Part	IV.—Gas.
Part	V.—Electricity.
Part	VI.—Streets.
Part	VII.—Buildings.
Part	VIII.—Temporary Stands &c.
Part	IX.—Means of Escape in Case of Fire.
Part	X.—Sanitary.
Part	XI.—Human Food.
Part	XII.—Infectious and Contagious Diseases.
Part	XIII.—Sewers and Drains.
Part	XIV.—Verminous Houses and Persons.
Part	XV.—Offensive Trades.
Part	XVI.—Sale of Coke.
Part	XVII.—Consolidation of Rates.
Part	XVIII.—Finance.
Part	XIX.—Miscellaneous.

Incorporation of Acts

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

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

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

(B) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section.

(2) The Waterworks Clauses Act 1847 except—

(A) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

(B) Sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(C) Section 83 (with respect to the yearly receipt and expenditure of the undertakers).

(3) The Waterworks Clauses Act 1863.

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- (4) The clauses and provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and also section 16 (Works to be executed) of that Act :

Provided that in the said provisions of the Railways Clauses Consolidation Act 1845 "the company" shall mean the Corporation "the railway" shall mean the waterworks authorised by this Act and "the centre of the railway" shall mean the centre lines as shown on the deposited plans of the aqueducts conduits or lines of pipes authorised by this Act and the top water-line of the reservoir so authorised and "the prescribed limits" for the purposes of section 30 shall be four thousand yards and for the purposes of section 32 four hundred and forty yards.

- (5) The Gasworks Clauses Act 1847 Provided that section 13 of that Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

Interpreta-
tion.

"The borough" means the borough of Batley;

"The Corporation" means the mayor aldermen and burgesses of the borough :

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough :

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the borough :

"The town clerk" "the treasurer" "the surveyor" "the medical officer" and "the inspector of nuisances" mean respectively the town clerk the treasurer the surveyor and the medical officer of health of the borough and any

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inspector of nuisances appointed by the Corporation in pursuance of the powers of the former Acts or this Act or any public Act and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any of such officers :

“ The former Acts ” means the unrepealed provisions of the Acts and Provisional Orders mentioned in the First Schedule to this Act :

“ The Ramsden reservoir ” “ the Riding Wood reservoir ” and “ the Yateholme reservoir ” mean respectively the existing Ramsden reservoir Riding Wood reservoir and Yateholme reservoir of the Corporation :

“ The waterworks ” means the waterworks and the works in connexion therewith authorised by this Act :

“ The originally deposited plans and sections ” means the plans and sections deposited in relation to the Bill for this Act with the clerk of the peace for the west riding of the county of York in the month of November one thousand nine hundred and twenty :

“ The amended deposited plan and section ” means the plan and section deposited in relation to the Bill for this Act with the said clerk of the peace in the month of April one thousand nine hundred and twenty-one :

“ The deposited plans and sections ” means the originally deposited plans and sections or the amended deposited plan and section as the case may require :

“ The deposited book of reference ” means the book of reference to the originally deposited plans or to the amended deposited plan as the case may require :

“ The millowners ” means the occupiers of the several mills factories works and falls of water now erected or hereafter to be erected on the River Holme between the embankment of the Brownhill reservoir and the River Colne and on the River Colne between the River Holme and the River Calder :

“The Millowners’ Committee” means the committee of the millowners appointed under the provisions of the section of this Act of which the marginal note is “As to Millowners’ Committee” and as constituted for the time being :

“The water undertaking” means the water undertaking of the Corporation as authorised by the former Acts and by this Act :

“The water limits” means the limits within which the Corporation are for the time being authorised to supply water to consumers :

“Water revenue” means all moneys received by the Corporation in respect of the water undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital :

“The gas undertaking” means the gas undertaking of the Corporation as authorised by the former Acts and by this Act :

“The gas limits” means the limits within which the Corporation are for the time being authorised to supply gas to consumers :

“Gas revenue” means all moneys received by the Corporation in respect of the gas undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital :

“The electricity undertaking” means the electricity undertaking of the Corporation authorised by the former Acts and this Act :

“The arbitrator” means the arbitrator to whom any question of disputed purchase money or compensation under the Acquisition of Land (Assessment of Compensation) Act 1919 is referred :

“Daily penalty” means in Parts VI. to XVI. (inclusive) of this Act a penalty for each day on which an offence is continued after conviction thereof :

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any

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Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation :
 “Statutory borrowing power” means any power whether or not coupled with a duty of—

(A) Borrowing or continuing on loan or reborrowing money; or

(B) Redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

PART II.

WATER.

Power to
make water-
works.

5. Subject to the provisions of this Act the Corporation may in the west riding of the county of York and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works (that is to say):—

Works shown on originally deposited plans.

Work No. 1 A reservoir (to be called and in this Act referred to as “the Brownhill reservoir”) in the urban districts of Holme and Holmfirth to be formed by a dam across the River Holme :

Work No. 2 An aqueduct or conduit commencing in the said urban district of Holme in the stream known as Rake Dike and terminating in the said urban district of Holmfirth in the River Holme below the dam of the Brownhill reservoir :

Work No. 3 An aqueduct or conduit in the said urban district of Holmfirth commencing near

the embankment of the Ramsden reservoir and terminating in the River Holme below the dam of the Brownhill reservoir :

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Work No. 4 An aqueduct conduit or line or lines of pipes commencing in the said urban district of Holmfirth in the River Holme above the dam of the Brownhill reservoir and terminating in the same urban district in the said river below the said dam.

Work shown on amended deposited plan.

Work No. 5A An aqueduct conduit or line or lines of pipes commencing in the county borough of Huddersfield at or near the junction of Wakefield Road at Storths with King's Mill Lane and terminating in the parishes of Clifton and Hartshead or one of them in the rural district of Halifax in Cooper Bridge Road at or near the northern end of the bridge carrying that road over the River Calder.

Works shown on originally deposited plans.

Work No. 5 An aqueduct conduit or line or lines of pipes (being part of the aqueduct conduit or line or lines of pipes (Work No. 5) shown on the originally deposited plans) commencing in the said urban district of Holmfirth by a junction with an existing pipe of the Corporation at or near the point of termination of the said aqueduct or conduit (Work No. 3) and terminating in the borough of Huddersfield at the point of commencement of the said aqueduct conduit or line or lines of pipes (Work No. 5A) :

Work No. 5B An aqueduct conduit or line or lines of pipes (being other part of the aqueduct conduit or line or lines of pipes (Work No. 5) shown on the originally deposited plans) commencing in the parishes of Clifton and Hartshead or one of them in the rural district of Halifax at the point of termination of the said aqueduct conduit or line or lines of pipes (Work No. 5A) and terminating in the borough in the existing Staincliffe reservoir of the Corporation :

Work No. 6 A diversion in the said urban district of Holmfirth of the road known as Brownhill Lane.

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In addition to the foregoing works the Corporation may upon the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of
deviation.

6. Subject to the provisions of this Act in the construction of the waterworks the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards in the case of the Brownhill reservoir and thirty feet in the case of the other works and in all cases to any extent downwards Provided that the Corporation shall not construct the dam of the Brownhill reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of that dam and five feet in addition and that except for the purpose of crossing over a stream canal or railway no part of the aqueducts conduits or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Application
of Water-
works
Clauses Act
1847 to
aqueducts
and tele-
phones.

7. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road (whether within or without the water limits) of the aqueducts conduits or lines of pipes authorised by this Part of this Act and of any discharge pipes scour pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to lay down or erect for the purposes of their water undertaking Provided that this section shall not apply to streets or roads belonging to or the property of any railway or canal company.

For protec-
tion of

8. Any telephone or telegraph posts wires conductors or apparatus laid down or erected by the Corporation

under this Act shall be used only for the purposes of the waterworks by this Act authorised or the existing waterworks of the Corporation and shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

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Postmaster-General.

9.—(1) In connexion with the diversion of Brownhill Lane by this Act authorised the Corporation may stop up and cause to be discontinued as a road so much of the said lane as will be rendered unnecessary by that diversion. Provided that such stopping up shall not take place until the said diversion is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Corporation and the road authority until two justices shall have certified that the diversion has been completed to their satisfaction and is open for public use.

Stopping up of portion of Brownhill Lane.

Before applying to the justices for their certificate the Corporation shall give to the road authority seven days' notice in writing of their intention to apply for the same.

(2) As from the completion of the diversion to the satisfaction of the road authority or as from the date of the said certificate as the case may be all rights of way over or along the existing portion of road shall be extinguished and the Corporation may subject to the provisions of the Railways' Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of the water undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Corporation. Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

(3) As from the completion of the said diversion the same shall be maintained and repaired by the authority for the time being chargeable with the maintenance and repair of the existing road.

10. The Corporation may stop up the whole or so much as they may think fit of the following footpaths in the urban districts of Holme and Holmfirth and

Power to stop up footpaths.

A.D. 1921. thereupon all public rights of way over those footpaths or portions of footpaths shall be extinguished:—

- (A) The footpath extending from Brownhill Lane near Brown Hill across the embankment of the mill reservoir known as Batty's Dam to the village of Holme :
- (B) The footpath extending from Holme Bridge Mill to its junction with the footpath (A) hereinbefore described :
- (C) So much of the footpath extending from the last-mentioned junction to Holme Woods Lane as lies between that junction and the junction with that footpath of the footpath (A) referred to in subsection (4) (i) of the section of this Act of which the marginal note is "For protection of the urban councils of Holme and Holmfirth."

Temporary discharge of water into streams.

11.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any waterworks of the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse :

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration.

Waterworks to form part of water undertaking.

12. Subject to the provisions of this Act the waterworks shall for all purposes whatsoever (inclusive of water rents rates and charges) be deemed part of the water undertaking as if they had been authorised by or included or referred to in the former Acts.

As to capacity of Works Nos. 2 and 3.

13.—(1) The Works No. 2 and No. 3 by this Act authorised shall be constructed in such situations (within the respective limits of deviation for the said works marked on the deposited plans) of such dimensions and generally in such manner as may be agreed between the Corporation and the Millowners' Committee or as failing such agreement shall be determined by an engineer to

be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

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(2) The said Work No. 3 shall be constructed so as to extend in a southerly direction to the foot of the embankment of the Ramsden reservoir.

14. Subject to the provisions of this Act the Corporation may by means of the waterworks by this Act authorised in conjunction with their existing works collect impound take use divert and appropriate for the purposes of the water undertaking the waters of the River Holme and the tributaries thereof at and above the dam of the Brownhill reservoir and all such springs streams and waters as may be intercepted by the waterworks other than the aqueducts or conduits (Work No. 2 and Work No. 3) by this Act authorised Provided that nothing in the former Acts or this Act shall authorise the Corporation—

Power to
take waters.

(A) to impound take use or appropriate any part of the waters of—

(i) the Rake Dike; or

(ii) such springs streams or waters as aforesaid

which shall naturally flow to and be intercepted by the said aqueducts or conduits (Work No. 2 and Work No. 3) throughout their respective lengths but all the waters so flowing and intercepted shall by means of the said aqueducts or conduits be diverted and conveyed into the River Holme below the gauge to be erected by the Corporation pursuant to the section of this Act of which the marginal note is "As to compensation water"; or

(B) to impound any water in the Brownhill reservoir until the said aqueducts or conduits (Work No. 2 and Work No. 3) have been completed in accordance with the provisions of this Act and are in operation.

15.—(1) Until the date of the completion of the Brownhill reservoir the Corporation shall not take from the River Holme or any tributary of that river any water other than such as they are authorised to take

As to com-
pensation
water.

A.D. 1921. by means of their existing works and may require so
— to take.

(2) After the Brownhill reservoir is completed the following provisions shall apply :—

(A) The Corporation shall on the days and during the hours mentioned in the section of this Act of which the marginal note is "For protection of the millowners" discharge or deliver into the River Holme at a point therein situate not more than two hundred yards below the northern foot of the dam of the Brownhill reservoir subject to and in accordance with the provisions of this Act a quantity of water not less than one million one hundred and sixty-six thousand gallons on each working day as defined in the said section other than Saturdays and of not less than six hundred and eighty thousand gallons on each Saturday :

(B) For the purpose of measuring the quantity of water to be so discharged or delivered into the River Holme the Corporation shall erect and maintain at a point on the said river below the Brownhill reservoir not more than two hundred yards from the northern foot of the dam thereof a proper and suitable measuring gauge over or through which the said compensation water shall flow and the same shall be open to the inspection and examination of the millowners and of all persons interested therein :

(C) The Corporation shall cease to be under any obligation under or by virtue of the Act of 1871 or otherwise to cause any water to flow down the River Holme from and out of the Ramsden reservoir the Riding Wood reservoir and the Yateholme reservoir or any of them or the works immediately connected therewith.

(3) In case of any neglect on the part of the Corporation to maintain any gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said respective quantities of compensation water shall not so flow the Corporation shall for every day on which such neglect occurs forfeit and pay to each of the millowners and other persons injuriously affected thereby who may sue for and recover the same

the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

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(4) If any difference arises between the Corporation and the Millowners' Committee or any person so interested as aforesaid with respect to the design construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the Corporation may or can (subject to the provisions of the section of this Act of which the marginal note is "Power to take waters") divert collect impound or appropriate from the drainage area which drains towards the Brownhill reservoir by any works now or hereafter to be constructed by them.

16. Notwithstanding anything in this Act or shown on the deposited plans the following provisions for the protection of the millowners shall unless otherwise agreed between the Corporation and the Millowners' Committee have effect (that is to say):—

For protection of the millowners.

- (1) The Works Nos. 2 and 3 by this Act authorised and all works in connexion therewith shall after their completion be at all times maintained by the Corporation to the reasonable satisfaction of the Millowners' Committee and if at any time any of such works shall be in an unfit state of repair and the Corporation shall fail within seven days after notice to them on behalf of the Millowners' Committee to proceed with all reasonable diligence to put such work into a proper and efficient state and condition to the reasonable satisfaction of the Millowners' Committee it shall be lawful for the Millowners' Committee to execute such repairs to the said works and to do such other things as shall be reasonably necessary for placing such works in a proper and efficient state and condition and

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to recover the reasonable expenses of so doing against the Corporation in any court of competent jurisdiction :

- (2) The Works Nos. 4 and 5 by this Act authorised and all works in connexion therewith shall be constructed maintained and used in such a manner that no water shall be abstracted thereby from the River Holme or any tributary thereof below the gauge to be erected as aforesaid :
- (3) The respective quantities of compensation water to be discharged or delivered into the River Holme pursuant to the section of this Act of which the marginal note is "As to compensation water" shall subject to the next succeeding subsection of this section be so discharged or delivered in a regular uniform and continuous flow during twelve hours of each working day except Saturday and during seven hours of each Saturday commencing in each case at five o'clock in the morning In this section the expression "working day" means every day in the year except Sundays Good Friday Easter Monday Whit Monday Christmas Day and Boxing Day :
- (4) Notwithstanding the provisions of paragraph (A) of subsection (2) of the section of this Act of which the marginal note is "As to compensation water" or the provisions of subsection (3) of this section the Millowners' Committee may—
- (A) require the quantity of compensation water to be discharged by the Corporation as aforesaid on any Saturday (being a working day) or any part thereof to be discharged on such one or more of the working days in the same week as may be specified by the Millowners' Committee in addition to the quantity of compensation water of one million one hundred and sixty-six thousand gallons required to be discharged on that working day; and
- (B) regulate the hours of each working day during which the said respective quantities of compensation water shall be discharged by the Corporation :

Provided that except as provided by paragraph (A) of this subsection the Corporation shall not on any working day be required to discharge more or entitled to discharge less than the said respective quantities of compensation water :

- (5) If at any time the gauge to be erected by the Corporation pursuant to the section of this Act of which the marginal note is "As to compensation water" is in an unfit state of repair for the purposes for which it is intended the same shall forthwith be put into a proper and efficient state of repair by and at the expense of the Corporation or if they fail so to do within seven days after notice given to them on behalf of the Millowners' Committee it shall be lawful for the Millowners' Committee to cause such works to be done and performed in connexion with the said gauge as shall be necessary for placing it in a proper and efficient state and condition and to recover the expenses of so doing against the Corporation in any court of competent jurisdiction :
- (6) Before discharging any water out of the Brownhill reservoir into the River Holme under the powers conferred by the section of this Act of which the marginal note is "Temporary discharge of water into streams" and for any of the purposes referred to in that section at any time when the depth of water in the said reservoir (as measured at the embankment thereof) is less than twenty feet the Corporation shall give to the Millowners' Committee not less than ten days' notice in writing of their intention so to do :
- (7) Any dispute which shall arise between the Corporation and the Millowners' Committee under the provisions of this section shall be referred to a single arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

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As to Mill-
owners'
Committee.

17.—(1) For the purposes of this Act there shall be appointed in every year a committee of seven millowners.

(2) The said committee shall be appointed at a meeting of millowners to be held annually at some convenient place in the borough of Huddersfield in the month of January in every year. The first of such meetings shall be convened in the month of January one thousand nine hundred and twenty-two by the mayor of Batley for the time being and every subsequent meeting shall be convened by the clerk or secretary to the committee. Every such meeting shall be convened by not less than fourteen days' previous notice in writing sent or delivered to each millowner and specifying the date time and place of the meeting.

(3) The members of the committee appointed at every such annual meeting shall subject to the provisions of the next succeeding subsection hold office until the annual meeting in the next following year and shall then go out of office but shall be eligible for re-election.

(4) In addition to the meeting to be held in the month of January in every year under the preceding subsection of this section any five millowners (not being together joint occupiers of the same mill factory work or fall of water) may by not less than fourteen days' previous notice in writing addressed to each of the other millowners convene an extraordinary meeting of the millowners to be held at some convenient place in the borough of Huddersfield and at any such extraordinary meeting the millowners thereat may discharge any member or members of the committee appointed in the previous January and appoint a new member or new members of the committee in place of the member or members so discharged.

(5) If any member of the committee shall during his year of office die or resign the remaining members of the committee may elect another millowner in his place.

(6) At every meeting of millowners convened under this section whether annual or extraordinary one vote may be given in respect of each mill factory work or fall of water by the occupier thereof or his representative. Where several joint occupiers are present only one of them shall vote on behalf of all of them and if they do not agree as to their vote it shall not be received.

(7) Any committee appointed under this section shall have power to regulate their proceedings and to

appoint such clerk and other officers or servants as they may think fit. A.D. 1921.

(8) The Corporation shall pay every year to the millowners an annual sum of one hundred pounds towards the charges and expenses of the committee of millowners under this Act and all expenses incurred by any committee of millowners under this section including the expenses of convening any meetings of millowners so far as the same are not covered by the said annual payment of the Corporation shall be paid by the millowners in proportion to the rateable value of their respective works and property on the River Holme or River Colne as the case may be.

18. The provisions of sections 25 and 26 of the Act of 1871 shall apply mutatis mutandis to the Corporation and the reservoir embankments catchwaters aqueducts pipes and other works authorised by this Act as fully and effectually as if such sections with any necessary modifications had been re-enacted in this Act with reference thereto.

Compensation for bursting of reservoir &c.

19.—(1) The Corporation shall erect fit up and maintain or provide—

Accommodation for workmen employed on construction of works.

(A) such huts or buildings for the accommodation of the workmen employed in and about the construction of the works authorised by this Act;

(B) such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases;

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connexion with every such building and hospital.

(2) The Corporation shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Insurance Act 1911 or otherwise.

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(3) The medical officer of health of the west riding county council shall be entitled at any time to enter into and inspect and examine any accommodation afforded under this section in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

(4) The Corporation shall give such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable on summary conviction to a fine not exceeding forty shillings.

(5) If at any time it appears to the county council that the Corporation have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Corporation shall afford and maintain such accommodation as the county council may require. Provided that if within fourteen days after the receipt of notice of any requirement of the county council under this subsection the Corporation give notice to the county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Ministry of Health on the application of either of the parties to the difference and the Ministry of Health may make such requirements (if any) in variation of the requirements of the county council as they may think fit.

(6) If the Corporation fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a further daily penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the county council.

(7) Any expenses incurred by the county council in carrying out the provisions of this section shall be repaid to the county council by the Corporation and shall be recoverable as a debt due from the Corporation to the county council.

(8) The Corporation shall pay to the Ministry of Health any expenses incurred by that Ministry under this section including a sum for the services of any inspector in connexion with any local inquiry or investigation which they may consider necessary in the exercise

of their powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

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20. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the Brownhill reservoir with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into the said reservoir.

Power to agree as to drainage of lands &c.

21. The Corporation may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Corporation shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Power to hold lands for protection of water-works.

22. For the purpose of enabling them to give a supply of water under the provisions of the former Acts and this Act or any of them the Corporation shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within or without their district and in exercising the powers of that section any area within the water limits shall be deemed to be included in their district :

Application of sections of Public Health Act 1875 to water undertaking.

Provided that in the exercise of the said powers the Corporation shall be subject to the provisions of sections 308 327 328 329 and 332 of the Public Health Act 1875.

In the application of section 16 of the Public Health Act 1875 to the water undertaking the term " surveyor " in that section shall mean and be deemed to refer to the water engineer of the borough.

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Ministry of
Health may
fix rates &c.
for supply
of water for
domestic
purposes.

23.—(1) The Ministry of Health on the application of the Corporation may from time to time after local inquiry fix by order the rates and charges for a supply of water for domestic purposes within the water limits.

(2) The Corporation shall as soon as practicable after an order is made in pursuance of subsection (1) of this section cause the order to be published in two successive weeks in one or more local newspapers circulating in the water limits.

(3) On and after the date on which any order made in pursuance of subsection (1) of this section comes into operation section 16 (Rates at which water is to be supplied for domestic purposes) of the Act of 1878 as amended by Article I. of the order of 1885 shall have effect as if—

(A) for the yearly rates specified in that section there were substituted the rates and charges fixed by the order made as aforesaid; and

(B) such other modifications were made in the said section as are necessary to render the section applicable to any premises rates or charges specified in the said order.

Rates pay-
able by
owners of
small
houses.

24.—(1) Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

(2) Section 18 (Rate payable by owner for small houses &c.) of the Act of 1878 shall be and the same is hereby repealed.

Corporation
not bound
to supply
several
houses by
one pipe.

25. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

26. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation or be given by the consumer personally at the office of the Corporation.

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Notice of
discontinu-
ance.

27. The Corporation shall not be bound to supply with water otherwise than by meter (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (b) any workhouse hospital asylum or sanatorium.

Supply to
houses
partly used
for trade
&c.

28. The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to
sell meters.

29. Before any person connects or disconnects any meter by means of which any of the 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 all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to
Corporation
of connect-
ing or dis-
connecting
meters.

30. 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 by them sustained.

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

A.D. 1921. — 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 ensuring 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.

Power to lay pipes in private streets.

31. The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Act or any previous Act relating to the water undertaking.

Power to supply water in bulk to local authorities of districts traversed by works.

32. The Corporation may enter into and carry into effect contracts and agreements with the district council of any district in or through which the works by this Act authorised or any of them will be made or pass for or in relation to the supply of water in bulk by the Corporation to such council and the execution of the works and the acquisition of the lands requisite for the purpose of such supply :

Provided that the Corporation shall not be authorised or empowered to and shall not supply water either directly or indirectly in any of the townships or places within the limits of supply of the Dewsbury and Heckmondwike Waterworks Board as defined by the Dewsbury and Heckmondwike Waterworks Act 1876 outside

the boundary of the borough of Batley for the time being except with the consent of the said waterworks board in writing under their common seal.

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33. The Corporation and any local authority company or person authorised to supply water under parliamentary powers in any district adjacent to the water limits may enter into and carry into effect contracts for the supply by one of the contracting parties to the other of water in bulk upon and subject to such terms and conditions as may be agreed upon but nothing in this section shall authorise any party to any such contract to lay any mains or interfere with any street beyond their respective limits for the supply of water. Provided that the Corporation shall not supply water under any such contract so as to interfere with the supply of water within the water limits.

Contracts for supply of water in bulk.

34. Notwithstanding anything in this Act or the former Acts or any enactment incorporated with any such Act water need not be constantly laid on under pressure to any dwelling-house erected after the passing of this Act of which the top storey is at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by the Corporation to such dwelling-house.

Amending obligations as to constant supply.

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

As to communication pipes.

36. In executing the works and exercising the powers by this Act authorised so far as they affect main roads and county bridges of the west riding of the county of York the following provisions for the protection of the county council of the said west riding (in this section called "the county council") shall have effect unless otherwise agreed on in writing between the county council and the Corporation (that is to say):—

For protection of West Riding County Council.

- (1) All mains pipes or works to be laid in or along any main road shall be constructed and laid in such position at the side thereof as the county

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council shall by writing under the hand of their surveyor reasonably direct and if any such main pipe or work cannot be constructed or laid in upon or across any county or main road bridge or any arch connected therewith without interfering with the structure thereof such main pipe or work shall not be constructed or laid in upon or across such bridge or arch but shall be carried over the stream crossed by such bridge (by such suitable method as may be agreed on between the parties or settled by arbitration as hereinafter provided) attached to the outside of such bridge or arch and the gradient of such bridge and of the respective approaches thereto shall not be altered. Provided that this subsection shall not apply to service pipes :

- (2) All works to be constructed or laid in along or across or in any way affecting any main road or county or main road bridge or any approach thereto shall be executed at the expense of the Corporation under the superintendence (if given) and to the reasonable satisfaction of the said surveyor and (except in the case of service pipes) in accordance with plans sections and specifications to be submitted to and reasonably approved of by him in writing before the commencement of any such work and seven days' notice shall be given to the said surveyor of the intention to lay any service pipes in such road. Provided that if the said surveyor shall not within twenty-one days after the said plans sections and specifications shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :
- (3) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible dispatch after the commencement thereof respectively :
- (4) Notwithstanding anything in this Act contained it shall be lawful for the county council at any

time or times to remove alter widen or renew any such county or main road bridge or the approaches thereto in alongside or near to which any such mains pipes or works are carried in the same manner as they might have removed altered widened or renewed any such bridge or the approaches thereto if this Act had not been passed and such mains pipes or works had not been constructed or laid in over alongside or near to such bridge without making any compensation to the Corporation for any expense or loss to which they may be put in consequence of such removal alteration widening or renewal And in the event of any such bridge or the approaches thereto in alongside or near to which such mains pipes or works are laid being removed altered widened or renewed as aforesaid the Corporation shall at their own expense as and when reasonably requested by the said surveyor remove or alter the position of their said mains or pipes and the works by which the same are carried alongside or near to any such bridge or the approaches thereto as aforesaid and replace the same to the reasonable satisfaction of the said surveyor of the county council Provided that before and during such removal alteration widening or renewal of any such bridge as aforesaid the county council shall afford at the cost of the Corporation reasonable facilities for temporarily carrying such mains or pipes across the stream so as not to interrupt the continuous supply of water :

- (5) Notwithstanding anything in this Act contained if any difference arise between the Corporation and the county council touching this section or anything to be done or not to be done thereunder such difference shall be referred to and determined by arbitration by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either of the parties in difference (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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For protec-
tion of
Wakefield
Corpora-
tion.

37. For the protection of the mayor aldermen and citizens of the city of Wakefield (in this section referred to as "the Wakefield Corporation") the following provisions shall unless otherwise agreed in writing between the Corporation and the Wakefield Corporation apply and have effect (that is to say) :—

- (1) Not less than fourteen days before commencing the execution of any of the works authorised by this Part of this Act within a distance of three yards from any aqueduct conduit water main pipe or apparatus connected therewith (all of which are in this section together referred to as "apparatus") belonging to the Wakefield Corporation the Corporation shall furnish to the Wakefield Corporation plans sections and particulars of such work :
- (2) If and so far as the execution of any such work as aforesaid by the Corporation involves any alteration of any apparatus of the Wakefield Corporation such alteration shall only be carried out in accordance with the said plans sections and particulars as reasonably approved by the Wakefield Corporation or their waterworks engineer Provided that if the Wakefield Corporation fail for a period of fourteen days after the submission to them of the said plans sections and particulars to express in writing their disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof and that if within the said period of fourteen days the Wakefield Corporation in writing express their disapproval of the said plans sections and particulars or make any requirement in relation thereto with which the Corporation are unable or unwilling to comply a difference shall be deemed to have arisen between them with respect to the said plans sections and particulars :
- (3) If the Wakefield Corporation shall be of opinion that the execution of any work shown on the plans and sections furnished to them by the Corporation as aforesaid will injuriously affect the stability of any apparatus of the Wakefield Corporation situate within a distance of three feet from such work (whether the execution of

such work will involve any alteration of such apparatus or not) the Wakefield Corporation may at any time within fourteen days after the submission to them of the said plans sections and particulars by notice in writing require the Corporation to raise lower or otherwise alter the position of or to support such apparatus and if the Corporation shall not within fourteen days after the receipt of any such notice from the Wakefield Corporation intimate to them in writing their objection thereto the Corporation shall be deemed to assent to the requirements of the notice and shall in executing the said work at their own expense comply with such requirements but if within such period of fourteen days as last aforesaid the Corporation shall in writing intimate to the Wakefield Corporation any objection to the said requirements a difference shall be deemed to have arisen between them with respect thereto :

- (4) If the Wakefield Corporation shall incur any additional expense in the maintenance of any apparatus by reason or in consequence of the execution of any of the works authorised by this Part of this Act the Corporation shall repay to the Wakefield Corporation the amount of such additional expense :
- (5) The Corporation shall not lay any of the works authorised by this Part of this Act at a less distance than one foot six inches from any apparatus of the Wakefield Corporation except where it may be necessary for such work to be laid across such apparatus in which case such work shall be so laid as to leave between the same and the apparatus of the Corporation a space of at least one foot and shall be self-supporting for a distance at least three feet on either side of the point of crossing :
- (6) The works authorised by this Part of this Act shall so far as practicable be executed so as not to prevent or render less convenient access by the Wakefield Corporation to their apparatus for the purpose of repair alteration or renewal thereof :

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(7) If any difference shall arise between the Corporation and the Wakefield Corporation under this section such difference shall be determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

For protec-
tion of
Bradford
Corpora-
tion.

38. Nothing in this Act contained shall authorise or empower the Corporation to supply water either directly or indirectly in any of the townships or places within the limits of supply (as constituted at the passing of this Act) of the lord mayor aldermen and citizens of the city of Bradford or to construct works for such supply or otherwise to interfere with the rights powers or privileges of the said lord mayor aldermen and citizens.

For protec-
tion of
Halifax
Corpora-
tion.

39. The following provisions shall have and take effect for the protection of the rights privileges powers and authorities of the mayor aldermen and burgesses of the county borough of Halifax (hereinafter called "the Halifax Corporation") :—

Notwithstanding anything in this Act contained the Corporation shall not (except with the consent of the Halifax Corporation) either directly or indirectly supply any water nor enter into any contract with any corporation local authority company or person whereby any water may be either directly or indirectly supplied or used within the limits for the purpose of water supply of the Halifax Corporation as constituted at the date of the passing of this Act nor shall the Corporation either directly or indirectly supply any water within those portions of the urban district of Mirfield and of the boroughs of Batley and Dewsbury which form part of the Savile estates (hereinafter called "the Savile estates") mentioned in section 11 of the Halifax Water and Gas Extension Act 1870 or within any or either of such portions except upon and subject to the following condition namely that the daily quantity of one million gallons of water shall be taken from time to time from the

Halifax Corporation by the purchaser as defined in section 11 of the Halifax Water and Gas Extension Act 1870 before any water is either directly or indirectly supplied by the Corporation for the purpose of being used within the said Savile estates and the Corporation shall then supply only such daily quantity as may be required for use within the said Savile estates in excess of the said one million gallons :

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Except as hereinbefore in this section expressly provided nothing in this Act contained shall take away lessen prejudice or alter any of the estates rights privileges authorities and powers now vested in or used or exercised by the Halifax Corporation.

40. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Huddersfield (in this section called "the Huddersfield Corporation") shall except so far as may be otherwise agreed between the Corporation and the Huddersfield Corporation under their respective corporate seals apply and have effect (that is to say) :—

For protec-
tion of
Hudders-
field Corpo-
ration.

- (1) The works authorised by this Act and any works apparatus and appliances in connexion therewith or subsidiary thereto constructed under the powers of this Act are in this section included in the expression "the said works" and so much of the said works as will be constructed in any street in the borough of Huddersfield or in any land now belonging to the Huddersfield Corporation shall be constructed in such position therein (being within the limits of deviation marked on the deposited plans) as the Huddersfield Corporation in writing under the hand of their borough engineer may reasonably direct :
- (2) Except with the consent of the Huddersfield Corporation (which shall not be unreasonably withheld) the said works where constructed in the borough of Huddersfield shall not comprise more than one line of pipes and the internal diameter thereof shall not exceed eighteen inches :

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- (3) For the purpose of any notice required under section 30 of the Waterworks Clauses Act 1847 to be given by the Corporation to the Huddersfield Corporation the period of seven days shall be substituted for the period of three days mentioned in that section :
- (4) The plan required by section 31 of the Waterworks Clauses Act 1847 shall be accompanied by a section and a description of the proposed works and shall be delivered to the Huddersfield Corporation by the Corporation not less than fourteen days before the Corporation commence to open or break up any street in the borough of Huddersfield Provided that in case of difference between the Corporation and the Huddersfield Corporation with reference to such plan or section such difference shall be determined by arbitration as hereinafter provided :
- (5) Not less than fourteen days before the Corporation commence to construct any of the said works outside the borough of Huddersfield within three feet of any sewer gas water or electricity main pipe or line or tramway or other work of the Huddersfield Corporation (in this section called " the Huddersfield works ") the Corporation shall deliver to the Huddersfield Corporation a plan and section of so much of the said works as will be within the said distance from the Huddersfield works :
- (6) No part of the said works shall be laid at a less distance than one foot six inches from any of the Huddersfield works (except where it may be necessary for the same to be laid across any such work) and any part of the said works which is to be laid across any of the Huddersfield works shall be so constructed and laid down as to leave between them a space of one foot at least and to be self-supporting for a distance of three feet at least on either side of the point of crossing :
- (7) If the said works will in the reasonable opinion of the Huddersfield Corporation interfere with or endanger any of the Huddersfield works or impede the passage of sewage or the supply of gas water or electricity the Huddersfield Cor-

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poration may give notice to the Corporation to raise lower or otherwise alter the position of or to support the Huddersfield works or to substitute temporarily or permanently other works or to execute works for the protection of the Huddersfield works in such manner as may be reasonably necessary and any difference as to the reasonable necessity for or the extent or nature of such raising lowering alteration support or substitution or of such protective works shall be settled by arbitration :

- (8) All such raising lowering alteration support or substitution or other protective works shall be done and executed by and at the expense of the Corporation but to the reasonable satisfaction and under the superintendence (if given) of the engineer or other duly authorised officer of the Huddersfield Corporation and the Corporation shall give to the Huddersfield Corporation at least fourteen days' notice in writing of the date on which any such works will be commenced Provided that if the Huddersfield Corporation by notice in writing to the Corporation within seven days after the receipt by them of notice of the intended commencement by the Corporation of any such works so require the Huddersfield Corporation may by their own engineer and workmen do and execute any such raising lowering alteration support or substitution of the Huddersfield works or any such protective works as may be agreed or determined as aforesaid and the Corporation shall on completion thereof pay to the Huddersfield Corporation the expenses reasonably incurred by them in the execution thereof :
- (9) The said works shall be executed so as not to stop the traffic of any street in the borough of Huddersfield and so as not unreasonably to interfere with the traffic thereon or the passage of sewage or the supply of gas water or electricity in any of the Huddersfield works or the traffic on any tramway of the Huddersfield Corporation :
- (10) The expense of all repairs or renewals of the Huddersfield works or any works in connexion

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therewith which may be rendered necessary by any act or default of the Corporation their contractors agents workmen or servants at any time or by reason of any subsidence resulting from the works of the Corporation whether during the construction of the said works or at any time within twelve months after the completion thereof shall be borne and paid by the Corporation :

- (11) The Corporation shall so construct maintain and keep the said works as to prevent any injury to any street in the borough of Huddersfield or to the Huddersfield works from leakage from the works of the Corporation :
- (12) If by reason of the construction of the said works any increased expense is reasonably incurred by the Huddersfield Corporation in connexion with the maintenance or repair of any street the increased expense so incurred shall be repaid by the Corporation to the Huddersfield Corporation :
- (13) Any additional expense reasonably incurred by the Huddersfield Corporation in enlarging improving or reconstructing any of the Huddersfield works or laying any new or additional sewers mains pipes lines or tramways by reason of the construction of the said works shall be repaid to them by the Corporation :
- (14) The Corporation shall not supply water within the urban districts of Kirkheaton and Mirfield and such parts of the urban district of Honley and the rural district of Halifax as are within the limits for the supply of water of the Huddersfield Corporation as constituted at the date of the passing of this Act except to the Huddersfield Corporation in pursuance of an agreement entered into before the passing of this Act :
- (15) If any difference shall arise under this section between the Corporation and the Huddersfield Corporation the same shall be referred to and determined by arbitration the arbitrator (unless otherwise agreed) being appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

41. For protection of the Spenborough Urban District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Corporation and the council apply and have effect (that is to say):—

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For protec-
tion of Spen-
borough
Urban
District
Council.

- (1) Not less than fourteen days before commencing the execution of any of the works authorised by this Part of this Act within a distance of five yards from any sewer drain conduit gas or water main pipe or other work for the time being belonging to the council or any apparatus connected therewith (all of which are in this section together referred to as "works of the council") the Corporation shall furnish to the council plans sections and particulars of such work:
- (2) If and so far as the execution of any such work as aforesaid by the Corporation involves any alteration of any apparatus of the council such alteration shall only be carried out in accordance with the said plans sections and particulars as reasonably approved by the council. Provided that if the council fail for a period of fourteen days after the submission to them of the said plans sections and particulars to express in writing their disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof and that if within the said period of fourteen days the council in writing express their disapproval of the said plans sections and particulars or make any requirement in relation thereto with which the Corporation are unable or unwilling to comply a difference shall be deemed to have arisen between them with respect to the said plans sections and particulars:
- (3) If the council shall be of opinion that the execution of any work shown on the plans and sections furnished to them by the Corporation as aforesaid will injuriously affect the stability of any works of the council (whether the execution of such first-mentioned work will involve any alteration of such works of the council or not) the council may at any time within fourteen days after the submission to them of the said

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plans sections and particulars by notice in writing require the Corporation to raise lower or otherwise alter the position of or to support such works of the council and if the Corporation shall not within fourteen days after the receipt of any such notice from the council intimate to them in writing their objection thereto the Corporation shall be deemed to assent to the requirements of the notice and shall in executing the said work at their own expense comply with such requirements but if within such period of fourteen days as last aforesaid the Corporation shall in writing intimate to the council any objection to the said requirements a difference shall be deemed to have arisen between them with respect thereto :

- (4) The Corporation shall not lay any of the works authorised by this Part of this Act at a less distance than one foot six inches from any works of the council except where it may be necessary for such works of the Corporation to be laid across such works of the council in which case such first-mentioned works shall be so laid as to leave between the same and the works of the council a space of at least one foot and shall be self-supporting for a distance of at least three feet on either side of the point of crossing :
- (5) The works authorised by this Part of this Act shall be executed so as not to prevent or so far as practicable render less convenient access by the council to their works for the purpose of repair alteration or removal thereof :
- (6) All works of the Corporation within the district of the council shall be so executed as not to stop or so far as practicable impede or interfere with any traffic and the Corporation shall not break up at any one time a greater consecutive length of any street or road in the district of the council than fifty yards at any place where only one vehicle can pass at the side of the opening or two hundred yards where only two vehicles can pass at the same time :
- (7) If the council shall incur any additional expense in the maintenance of any works of the council or in the maintenance of any street or road

repairable by the council by reason or in consequence of the execution of any of the works authorised by this Part of this Act the Corporation shall repay to the council the amount of such additional expense :

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- (8) If any interruption in the supply of gas or water or in the flow of sewage or drainage through any works of the council shall be in any way occasioned either by reason of the execution or failure of any of the works of the Corporation the Corporation shall make good to the council any loss damage or expense which may be occasioned to them by reason or in consequence of such interruption and shall indemnify the council from any claim or demand in respect thereof :
- (9) The provisions of this section shall be in addition to and not in derogation of the provisions of any Act incorporated with or applied by this Act which may enure for the protection or benefit of the Council :
- (10) If any difference shall arise between the Corporation and the council under this section such difference shall be determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

42. The following provisions for the protection of the Holmfirth Urban District Council (in this section referred to as "the Holmfirth Council") and the Holme Urban District Council shall unless otherwise agreed upon in writing between the council and the Corporation and notwithstanding anything in this Act contained or shown on the deposited plans and sections apply and have effect (that is to say) :—

For protection of the urban councils of Holme and Holmfirth.

- (1) (A) The Corporation shall subject as hereinafter provided supply in bulk to the Holmfirth Council at such price as may be agreed upon between the Corporation and the Holmfirth Council or as failing agreement shall be deter-

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mined by arbitration under this section such daily quantity of water as that council shall from time to time by three months' notice in writing given at any time or times after the completion of the Brownhill reservoir require and agree in such notice to take Provided that the supply to be furnished by the Corporation pursuant to any such requirement as aforesaid shall continue for the period of twelve months commencing on the expiration of three months from the date of the receipt by the Corporation of the notice containing such requirement and that during the said period of twelve months the Holmfirth Council shall make to the Corporation a minimum payment of the amount payable for—

(a) one-third of the quantity required to be supplied to them; or

(b) any quantity less than such one-third which shall for the time being be available for supply to the Holmfirth Council

whether actually taken or not:

Provided also that the Holmfirth Council shall not be entitled to require and the Corporation shall not be obliged to supply to them—

(i) a greater quantity of water than will suffice to provide a daily quantity of twenty-five gallons per day per head of the population supplied by the Holmfirth Council in the urban district of Holmfirth; or

(ii) any water so as to reduce the quantity for the time being available for supply by the Corporation to less than the equivalent of fifty gallons per day per head of the population in the borough supplied by the Corporation;

and that the Corporation shall not be under any obligation to keep any pipe by which water is delivered to the Holmfirth Council constantly charged or to supply water to the Holmfirth Council at any greater pressure than is afforded by gravitation from the Riding Wood reservoir Provided further that the Corporation shall be

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at liberty if and whenever they require so to do to interrupt any such supply as aforesaid to such extent and for such period as may be reasonably necessary for or in connexion with the maintenance cleansing or repair of the Riding Wood reservoir and shall not be under any obligation to continue to furnish any such supply if prevented from so doing by frost unusual drought or other unavoidable cause or accident :

- (B) The Holmfirth Council shall accept and take the said supply at the foot of the embankment of the existing Riding Wood reservoir of the Corporation :
- (2) Before commencing any works which may interfere with or otherwise affect the public well near the point marked "J" on the deposited plans at the north-eastern corner of the embankment of the Brownhill reservoir the Corporation shall substitute a well or watering-place of such construction and in such situation as the Holmfirth Council may reasonably require and capable of yielding a quantity of water not less than that which can be obtained from the existing well for the use and benefit of all persons entitled to use the existing well :
- (3) Before commencing the construction of the road diversion (Work No 6) by this Act authorised the Corporation shall submit to the Holmfirth Council for their reasonable approval plans and sections showing the line and level in and at which the said work is intended to be carried out and the same shall not be carried out except under the superintendence (if the same be given) of the surveyor of the said council and in accordance with such plans and sections as so approved or in case of difference between the said council and the Corporation as settled by arbitration as hereinafter provided Provided that if the said council shall not within fourteen days after the said plans and sections shall have been submitted to them express their disapproval thereof or signify their requirements in relation thereto they shall be deemed to have approved of the same :

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(4) (i) The Corporation shall simultaneously with the construction of the Brownhill reservoir construct and open for public use the following footpaths (namely):—

(a) A footpath commencing by a junction with the existing footpath near Holme House thence proceeding by way of the occupation road to Lumb Carr Ford thence along the westerly side of Netherley Wood to the embankment of the Ramsden reservoir thence proceeding across such embankment and terminating in Brownhill Lane near its junction with Greenhouse Lane;

(b) A footpath commencing in Brownhill Lane thence proceeding across the embankment of the proposed Brownhill reservoir and terminating in the main road leading from Huddersfield to Woodhead at or near Wheatclose;

(ii) The said footpaths shall be of a width of not less than five feet and shall be constructed to the reasonable satisfaction of the council and (so far as they are upon the property of the Corporation) maintained by the Corporation to the like satisfaction:

(5) Where the works authorised by this Part of this Act (in this section referred to as "works of the Corporation") are to be laid in any street or road repairable by the council or under over or within three yards of any sewer drain water main pipe or other work of the council or over under or across any watercourse under the jurisdiction of the council (in this section referred to as "works of the council") the same shall be laid in such position where possible at the side of such road as the surveyor of the council shall reasonably direct and according to plans and sections to be previously submitted to and reasonably approved by him or in case of difference determined by arbitration as hereinafter provided and shall also be so laid that the upper surface thereof is not less than three feet below the surface of the street or road except in special cases where the circumstances of the case reasonably require that a

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less space shall intervene and the trench shall be filled in and the surface of the street or road made good and uniform in level with the adjoining surface of the street or road in accordance with the reasonable requirements of the said surveyor and the Corporation shall be liable to maintain and repair at their own expense and to the reasonable satisfaction of the said surveyor the roadway over the trench for the period of twelve months from the date of the surface being made good as aforesaid :

- (6) If within a period of twelve months after the works of the Corporation have been laid in any such street or road any sinking or subsidence of the surface of the street or road thereover shall occur the Corporation shall at their own expense make up the surface of the street or road to the reasonable satisfaction of the said surveyor and if they fail to proceed with reasonable diligence to do so within seven days after being thereunto required in writing by the said surveyor he may on giving to the Corporation twenty-four hours' notice in writing cause the work to be done and all expenses reasonably incurred in connexion with such work shall be paid by the Corporation to the council :
- (7) All works of the Corporation within the district of the council shall be so executed as not to stop or (so far as is reasonably practicable) impede or interfere with any traffic on any street or road and shall be completed by the Corporation as quickly as is reasonably possible and the Corporation shall not break up at any one time a greater consecutive length of any street or road in the district of the council than fifty yards at any place where only one vehicle can pass at the side of the opening or two hundred yards where only two vehicles can pass at the same time :
- (8) The council shall not except in case of negligence be liable to the Corporation for any damage done to any works of the Corporation where laid under a street or road caused by the reasonable use of a road roller or other engine and the Corporation shall indemnify the council from

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all claims for damages that may be made against the council by reason of any sinking or subsidence of the street or road caused during the period of twelve months referred to in subsection (6) of this section by the construction or caused at any time by the failure of any such work :

- (9) If during or in consequence of the construction of any works of the Corporation any additional expense is reasonably incurred by the council in connexion with the maintenance and repair of any street or road repairable by the council or in connexion with the construction maintenance and repair of any of the works of the council the additional expense so incurred shall be repaid by the Corporation to the council :
- (10) At least seven days before commencing to execute any works of the Corporation within the district of the council the Corporation shall give to the council notice in writing of their intention so to do and if within fourteen days after the receipt by the council of such notice the council reasonably so require the council may by their own surveyor or workmen to such extent if any as may be necessary for preventing injury to the works of the council lower or otherwise alter the position of any of the works of the council or any works connected therewith or support the same or substitute temporarily or otherwise other works and lay or place under any works of the council cement concrete or other like substance and the Corporation shall on completion of any such protective works pay to the council the reasonable expenses incurred by them in the execution of such protective works :
- (11) If any interruption in the supply of water or in the flow of sewage or drainage through any of the works of the council shall be in any way occasioned or if any repairs or renewals of any works of the council or any works in connexion therewith shall be tendered necessary either by reason of the exercise of the statutory powers conferred upon the Corporation or by the failure of any of the works of the Corporation

or by the act or default of the Corporation or any of their contractors agents workmen or servants or any persons in the employ of them or any of them the Corporation shall make good to the council any loss damage or expense which may be occasioned by them by reason of such interruption and indemnify the council from any claim or demand in respect thereof and shall pay to the council the reasonable expense of any such repairs or renewals :

- (12) The provisions of the section of this Act of which the marginal note is "Application of sections of Public Health Act 1875 to water undertaking" shall not be exercised by the Corporation within the district without the consent of the council which consent shall not be unreasonably withheld :
- (13) Any difference which may arise under the provisions of this section between the Corporation and the council shall (except where the determination is otherwise provided for) be determined by arbitration the arbitrator to be appointed failing agreement on the application of either party after notice in writing to the other by the Ministry of Health and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (14) In the construction of subsections (4) to (13) inclusive of this section the expression "the council" means the Holmfirth Council and the Holme Council in relation to their respective districts :
- (15) So long as the Corporation are not authorised to impound take use or appropriate the waters of the Rake Dike they shall not except for the purpose of obtaining reasonable protection of their property and interests oppose any application made to Parliament or any appropriate Government department by the Holmfirth Council and the Holme Urban District Council or either of them at any time within fifteen years from the date of the passing of this Act for power to take or divert from the Rake Dike at a point above the commencement of Work No. 2 by this Act authorised the waters of that

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dike for use for the purpose of power or of a supply of water in the Holme district and the Holmfirth district or either of them.

As to supply of water to urban district councils of Honley and Thurstonland.

43.—(1) (A) The Corporation shall subject as hereinafter provided supply in bulk to the respective councils of the urban districts of Honley and Thurstonland at such price as may be agreed upon between the Corporation and the said councils respectively or as failing agreement shall be determined by arbitration under this section such daily quantity of water as the said councils respectively shall from time to time by three months' notice in writing given at any time or times after the completion of the Brownhill reservoir require and agree in such notice to take Provided that the supply to be furnished by the Corporation pursuant to any such requirement as aforesaid shall continue for the period of twelve months commencing on the expiration of three months from the date of the receipt by the Corporation of the notice containing such requirement and that during the said period of twelve months the council making the requirement shall make to the Corporation a minimum payment of the amount payable for—

- (a) one-third of the quantity required to be supplied to them; or
- (b) any quantity less than such one-third which shall for the time being be available for supply to that council;

whether actually taken or not:

Provided also that the said councils respectively shall not be entitled to require and the Corporation shall not be obliged to supply to them—

- (i) a greater quantity of water than will suffice to provide a daily quantity of twenty-five gallons per day per head of the population supplied by the said councils respectively in such part of their respective districts as is not within the limits for the supply of water of the mayor aldermen and burgesses of the borough of Huddersfield; or
- (ii) any water so as to reduce the quantity for the time being available for supply by the Corporation to less than the equivalent of fifty gallons per day per head of the population in the borough supplied by the Corporation;

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and that the Corporation shall not be under any obligation to keep any pipe by which water is delivered to the said councils respectively constantly charged or to supply water to the said councils respectively at any greater pressure than is afforded by gravitation from the Brownhill reservoir Provided further that the Corporation shall be at liberty whenever they require so to do to interrupt any such supply as aforesaid to such extent and for such period as may be reasonably necessary for or in connexion with the maintenance renewal cleansing or repair of any main or pipe by which such supply is furnished or of the Brownhill reservoir and shall not be under any obligation to continue to furnish any such supply if prevented from so doing by frost unusual drought or other unavoidable cause or accident.

(B) The said councils respectively shall accept and take the said supply at such point or points on any aqueduct conduit or line of pipes constructed under the powers of this Act as may be agreed upon or failing agreement determined in manner aforesaid.

(2) Any difference which may arise under the provisions of this section between the Corporation on the one hand and the said councils or either of them on the other hand shall be determined by arbitration the arbitrator to be appointed failing agreement on the application of either of the parties in difference (after notice in writing to the other) by the Ministry of Health and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

44. The following provisions shall apply and have effect for the protection of the Dewsbury and Heckmondwike Waterworks Board (hereinafter called "the waterworks board") and of the mayor aldermen and burgesses of the county borough of Dewsbury (hereinafter called "the Dewsbury Corporation") unless otherwise agreed in writing between the Corporation and the waterworks board or the Corporation and the Dewsbury Corporation as the case may be:—

For protection of Dewsbury and Heckmondwike Waterworks Board and Dewsbury Corporation.

(1) Not less than fourteen days before commencing the execution of any of the works authorised by this Part of this Act within a distance of three yards from any aqueduct conduit water main pipe or apparatus connected therewith (all of which are in this section referred to as

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“ apparatus ”) belonging to the waterworks board or the Dewsbury Corporation the Corporation shall furnish to the waterworks board or the Dewsbury Corporation (as the case may be) plans sections and particulars of such work :

- (2) If and so far as the execution of any such work as aforesaid by the Corporation involves any alteration of any apparatus of the waterworks board or the Dewsbury Corporation such alteration shall only be carried out in accordance with the said plans sections and particulars as reasonably approved by the waterworks board or the Dewsbury Corporation or their waterworks engineer Provided that if the waterworks board or the Dewsbury Corporation fail for a period of fourteen days after the submission to them of the said plans sections and particulars to express in writing their disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof and that if within the said period of fourteen days the waterworks board or the Dewsbury Corporation in writing express their disapproval of the said plans sections and particulars or make any requirement in relation thereto with which the Corporation are unable or unwilling to comply a difference shall be deemed to have arisen between them with respect to the said plans sections and particulars :
- (3) If the waterworks board or the Dewsbury Corporation shall be of opinion that the execution of any work shown on the plans and sections furnished to them by the Corporation as aforesaid will injuriously affect the stability of any apparatus of the waterworks board or the Dewsbury Corporation situate within a distance of three feet from such work (whether the execution of such work will involve any alteration of such apparatus or not) the waterworks board and the Dewsbury Corporation may at any time within fourteen days after the submission to them of the said plans sections and particulars by notice in writing require the Corporation to raise lower or otherwise alter the position of or to support such apparatus and

if the Corporation shall not within fourteen days after the receipt of any such notice from the waterworks board or the Dewsbury Corporation intimate to them in writing their objection thereto the Corporation shall be deemed to assent to the requirements of the notice and shall in executing the said work at their own expense comply with such requirements but if within such period of fourteen days as last aforesaid the Corporation shall in writing intimate to the waterworks board or the Dewsbury Corporation any objection to the said requirements a difference shall be deemed to have arisen between them with respect thereto :

- (4) If the waterworks board or the Dewsbury Corporation shall incur any additional expense in the maintenance of any apparatus by reason or in consequence of the execution of any of the works authorised by this Part of this Act the Corporation shall repay to the waterworks board or the Dewsbury Corporation the amount of such additional expense :
- (5) The Corporation shall not lay any of the works authorised by this Part of this Act at a less distance than one foot six inches from any apparatus of the waterworks board or the Dewsbury Corporation except where it may be necessary for such work to be laid across such apparatus in which case such work shall be so laid as to leave between the same and the apparatus of the Corporation a space of at least one foot and shall be self-supporting for a distance of at least three feet on either side of the point of crossing :
- (6) The works authorised by this Part of this Act shall so far as practicable be executed so as not to prevent or render less convenient access by the waterworks board or the Dewsbury Corporation to their apparatus for the purpose of repair alteration or renewal thereof :
- (7) If any difference shall arise between the Corporation and the waterworks board or the Corporation and the Dewsbury Corporation under this section such difference shall be determined by an arbitrator to be agreed upon

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between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination :

- (8) The apparatus of the Dewsbury Corporation hereinbefore referred to shall be deemed to include the apparatus belonging solely to the Dewsbury Corporation and to the apparatus belonging to the Dewsbury Corporation jointly with any other Corporation authority or person.

For protec-
tion of Lan-
cashire and
Yorkshire
Railway
Company.

45. The following provisions for the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the company") shall notwithstanding anything in this Act contained apply and have effect except in so far as may be otherwise agreed between the company and the Corporation :—

- (1) The construction or laying of any aqueduct conduit mains or pipes under or in pursuance of this Part of this Act into through over or under any railways or other property of the company and any works of maintenance repair and renewal of such mains or pipes other than urgent repairs in case of accident (all of which works are hereinafter referred to as "the said waterworks") shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the company and according to plans sections and specifications to be submitted to and reasonably approved by him before any such works are commenced or in the event of any dispute or difference between such engineer and the engineer of the Corporation then in such manner as shall be settled by arbitration as hereinafter provided Provided that if the said principal engineer shall fail to superintend at the time specified in a notice to be given by the Corporation to the company of their intention to commence the said waterworks (such time being except in cases of emergency not less than twenty-eight days from the giving of the notice) such works

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may be executed without his superintendence and that unless the said principal engineer shall give notice of his disapproval of such plans sections or specifications and of his grounds thereof within twenty-eight days after they shall have been submitted he shall be deemed to have approved thereof :

- (2) The said waterworks shall be executed by and in all things at the expense of the Corporation and in such manner as not to cause any injury to the railways or other property of the company or interruption to the passage or conduct of the traffic over such railways or the traffic to any station and if any such injury or interruption shall arise the Corporation shall make compensation to the company in respect of any loss or damage resulting to them therefrom :
- (3) The Corporation shall bear and on demand pay to the company the reasonable expenses of employment by them of a sufficient number of inspectors watchmen and flagmen to be appointed by the company for watching their railway or other property and works with reference to and during the execution of the said waterworks :
- (4) When the Corporation for the purposes of the said waterworks open or break up any road or pavement of any street or other works belonging to or repairable by the company they shall with all convenient speed complete the work for which the same shall be broken up and reinstate and make good to the reasonable satisfaction of the company the road or works so opened or broken up and shall to the like satisfaction keep any road or pavement so broken up in good repair for three months after reinstatement and making good and for such further time if any not being more than twelve months in the whole as the consolidation of the soil so broken up shall continue :
- (5) If the Corporation make delay in completing such work or reinstating and making good such road or works so opened or broken up or neglect to keep the road or pavement in repair as aforesaid the company may cause the work so delayed or

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omitted to be executed and the reasonable expense of executing the same shall be repaid to them by the Corporation :

- (6) The Corporation shall not exercise with reference to any lands of the company the powers conferred by the section of this Act of which the marginal note is "Application of sections of "Public Health Act 1875 to water undertakings" otherwise than in pursuance of an easement or right granted to them by the company (which easements or rights the company shall grant to the Corporation if and whenever so required in writing by the Corporation) and the Corporation shall pay to the company in respect of any such easement or right such sum as shall in case of dispute be determined under and in accordance with the provisions of the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 with respect to the settlement of cases of disputed compensation under those Acts Provided that every such grant shall be subject to the provisions of this section :
- (7) The Corporation shall at all times maintain the said waterworks in substantial repair and good order to the reasonable satisfaction of the said principal engineer and if and whenever the Corporation fail so to do the company may make and do in and upon as well the lands of the Corporation as their own lands all such works repairs and things as they may reasonably think requisite and the reasonable amount of such expenditure shall be repaid to the company by the Corporation :
- (8) If at any time hereafter the company require to make any alterations of or to widen their railway or to increase their railway accommodation at the places where the said waterworks cross the railway and property of the company the Corporation shall at their own cost make such alterations of the said waterworks within the boundaries of the company's property as existing at the date of the passing of this Act as may be reasonably required by the company

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to enable them to carry out such alteration or widening of the railway or to provide such increased accommodation and the provisions of this section shall so far as applicable extend and apply to the execution and carrying out by the Corporation of any such alterations of the said waterworks :

- (9) Notwithstanding anything in this Act contained the Corporation shall be responsible for and make good to the company all costs losses damages or expenses which may be occasioned to them or to any of their railways works or property or to the traffic thereon or otherwise by reason or in consequence of the execution or failure of the said waterworks or any or either of them or by any act or omission of the Corporation or any persons in their employment or their contractors agents or others and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason or in consequence of such execution or failure and of such act or omission :
- (10) If any difference shall arise under this section between the Corporation and the company or their respective engineers the same shall (except where the determination thereof is otherwise provided for) be referred to and be determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of the Corporation or the company and subject thereto the provisions of the Arbitration Act 1889 shall apply to such reference.

46. The following provisions for the protection of the London and North Western Railway Company (hereinafter called "the North Western Company") shall unless otherwise agreed between the Corporation and the North Western Company be in force and have effect :—

For protec-
tion of
London and
North
Western
Railway
Company.

- (1) The sections of the Batley Corporation Waterworks Act 1871 of which the numbers and marginal notes are respectively 17 (Works affecting railway and canal of London and

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North Western Railway Company) 18 (Maintenance of works) 19 (Limiting compulsory powers affecting London and North Western Railway Company) 20 (Railway &c. not to be obstructed) and 21 (In case of injury to railway &c. Corporation to make compensation) are hereby incorporated with and form part of this Act and shall so far as applicable extend and apply to the works by this Act authorised and to the Corporation in respect thereof as fully and effectually as if such sections had been re-enacted with the necessary modifications in this Act with reference thereto :

- (2) If at any time hereafter the North Western Company shall require in the exercise of their existing powers to alter or widen their railways or to increase the railway accommodation where Work No. 5 by this Act authorised will cross the same the Corporation on being required so to do by the North Western Company shall at their own cost make such alterations of and additions to the aqueduct conduit or line or lines of pipes and all works connected therewith respectively as may in the reasonable opinion of the engineer to the North Western Company be necessary for facilitating the carrying out of such construction alteration or widening of the said railways and works or the provision of such increased accommodation as aforesaid :

Provided that if at any time hereafter the North Western Company widen or alter their Kirkburton branch railway at the point where Aqueduct Work No. 5A crosses that railway the Corporation shall at their own cost make such alterations and additions to such aqueduct and any works connected therewith as the engineer to the North Western Company may reasonably require in connexion with such alteration or widening :

- (3) The Corporation shall bear and on demand pay to the North Western Company the reasonable expense of any temporary works which may be necessary in connexion with the construction or maintenance of the said Work No. 5 by this Act authorised and of the employment by them

of a reasonably sufficient number of inspectors signalmen or watchmen for inspecting such works and for watching the said railways and canal and the conduct of the traffic thereon with reference to and during the making or maintenance of the said Work No. 5 and all works forming part thereof across the said railways canal and works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Corporation with reference thereto or otherwise :

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- (4) If any difference shall arise between the Corporation and the North Western Company or their respective engineers as to any matter or thing under the provisions of this section such difference shall be referred to an arbitrator to be agreed upon between the North Western Company and the Corporation or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

47. The following provisions for the protection of the Midland Railway Company (in this section called "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect :—

For protection of Midland Railway Company.

- (1) The crossing of the company's Huddersfield railway by Work No. 5A and all works incidental to such crossing shall be executed under the superintendence (if given) and to the reasonable satisfaction of the chief engineer of the company according to complete drawings and specifications previously submitted to him for his reasonable approval Provided that if such drawings and specifications shall not be disapproved by him within one month after they shall have been submitted to him he shall be deemed to have approved the same :
- (2) If within one month after the receipt of such drawings and specifications the company give to the Corporation notice that they desire themselves to execute any part of such works (other

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than the actual laying and jointing of pipes) the company may themselves execute such part of such works and recover from the Corporation the cost reasonably incurred by them in so doing :

- (3) The Corporation shall on demand repay to the company the reasonable expense of any watching or signalling which may be necessary for the protection of the said railway and the traffic thereon by reason of and during the execution of such works :
- (4) The Corporation shall at all times maintain such works in good repair and condition to the reasonable satisfaction of the chief engineer of the company and if and whenever the Corporation fail so to do the company may make and do in and upon as well the lands of the Corporation as their own lands all such works repairs and things as they may reasonably think necessary in that behalf and the expense thereof shall be repaid to the company by the Corporation :
- (5) If by reason of the execution maintenance or failure of any of such works or by reason of the leakage of any pipes of the Corporation the railway or any work or property of the company shall be damaged or any interruption shall be caused to the traffic on such railway, the Corporation shall make reasonable compensation to the company in respect of such damage or interruption and shall effectually indemnify and hold harmless the company from all claims or demands upon or against them in respect thereof or consequent thereon :
- (6) Any additional expense which the company may reasonably incur in maintaining renewing altering or widening their railway and works by reason of the existence of any mains pipes apparatus or works of the Corporation constructed or laid over across or under such railway or works of the company shall be paid by the Corporation :
- (7) Any difference which may arise between the Corporation and the company under this section shall be determined by an arbitrator to be

appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to such arbitration.

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48. For the protection of Joseph Henry Kaye and John Stewart or other the lessees or owners for the time being of Broadfield Mills in the parish of Almondbury in the borough of Huddersfield all of whom are in this section referred to as "the owners" the following provisions shall unless otherwise agreed in writing apply and have effect (that is to say):—

For protection of Messrs. Kaye and Stewart.

Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not enter upon take or use any part of the property in the said parish and borough numbered 70 on the originally deposited plans.

49. For the protection of the light railways and tramways of leased to worked or run over by the Yorkshire (Woollen District) Electric Tramways Limited their successors and assigns (in this section referred to as "the company") the following provisions shall have effect in reference to the waterworks described in or authorised by this Act:—

For protection of Yorkshire (Woollen District) Electric Tramways Limited.

(1) Where the Corporation require to dig or sink any trench or work across or under or within fifteen feet of any light railway or tramway posts or cables of or road repairable by the company (hereinafter referred to as "the property of the company") the Corporation shall unless it is otherwise agreed between them and the company or in the case of sudden emergency give to the company not less than seven days before commencing to dig or sink such trench or work as aforesaid notice with full particulars of the trench or works and a plan and the company shall be entitled to superintend the work and the Corporation shall conform to such reasonable requirements as may be made by the company for protecting such tramways and light railways and any part of the road maintained or repaired by the company from injury or subsidence and the Corporation shall also make good any

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damage that may be caused thereto by the digging or sinking of such trench or work :

- (2) Any interference with or alteration of the property of the company which may be reasonably necessary in consequence of the execution of the said works shall if the company so desire be carried out by the company under the supervision (if given) and in accordance with the reasonable directions of the Corporation and the reasonable expense incurred by the company in so doing shall be repaid to them by the Corporation. Provided that nothing in this subsection shall entitle the company to carry out any of the works of the Corporation by this Act authorised :
- (3) Any difference arising between the company and the Corporation under the provisions of this section shall be referred to and determined by a single arbitrator to be appointed failing agreement between the parties by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and arbitration :
- (4) Nothing in this Act shall except with the consent of the company affect or vary the terms of an indenture of lease dated the seventh day of June one thousand nine hundred and five and made between the Corporation of the one part and the British Electric Traction Company Limited of the other part or the provisions of any Acts or Orders relating to the said indenture or to any tramways or light railways of or leased to or worked by the Yorkshire (Woollen District) Electric Tramways Limited.

PART III.

LANDS.

50. Subject to the provisions of this Act the Corporation may enter upon take and use all or any

Power to
acquire
lands.

part of the lands delineated on the deposited plans relating to the works by this Act authorised and described in the deposited book of reference.

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51. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the west riding of the county of York for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said west riding and a duplicate shall also be deposited with the town clerk and with the town clerk or clerks of district councils and clerks or chairmen of parish councils of the borough districts or parishes in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk or clerks or chairmen of councils respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Correction of errors in deposited plans and book of reference.

52.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

Corporation may acquire easements only in certain cases.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be

A.D. 1921. — required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided that (except in the case of an aqueduct to be constructed at a depth of forty feet or upwards below the surface of the ground) nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Owners
may be
required to
sell parts
only of
certain
premises.

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

(A) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term “the owner” and the said properties are hereinafter referred to as “the scheduled properties” :

(B) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being

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obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the arbitrator shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (D) If the arbitrator determines that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which, the arbitrator shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator :
- (E) If the arbitrator determines that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (F) If the arbitrator determines that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder

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—

without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

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

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

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any premises.

Persons
under dis-
ability may
grant ease-
ments &c.

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

55. Where under the powers of the former Acts or of this Act the Corporation have acquired or shall acquire an easement or easements in under or through any lands for the construction of any conduit aqueduct pipe sewer or other similar work the Corporation may at any time thereafter if they see fit purchase by agreement the lands lying over under and alongside such conduit or other work from the owner thereof.

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Power to purchase lands already subject to easements.

56. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Limit of time for compulsory purchase of lands.

57.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished.

Extinction of private rights of way.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

58. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the arbitrator 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 land created after the first day of November one thousand nine hundred and-twenty if in the opinion of the arbitrator 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 acquired interest.

59. Notwithstanding anything in any other Act or Acts to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local

Retention and disposal of lands.

A.D. 1921. Act for the time being in force in the borough (other than the Housing Acts 1890 to 1919) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

Reservation
of water
rights &c.

60. The Corporation on selling any lands held by them for the purposes of the water undertaking and not required for those purposes may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Proceeds of
sale of sur-
plus lands.

61.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Ministry of Health.

(2) Provided that—

(A) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of

the borrowing powers conferred by or under this Act for the purpose of such purchase : A.D. 1921.

- (B) The borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Any capital moneys received by the Corporation under the section of this Act of which the marginal note is "Retention and disposal of lands" on the resale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

PART IV.

GAS.

62.—(1) Any fittings let for hire under the provisions of section 48 (Power to the Company to let meters Meters not liable to distress for rent) of the Dewsbury and Batley Gas Act 1861 shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Corporation and shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

Gas fittings let for hire to continue property of Corporation.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any such fittings are or shall be fixed.

63. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Corporation by section 22 (Power to remove meter and fittings) of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the

Power to enter premises and remove fittings.

A.D. 1921. Corporation or to hire from the Corporation all or any of the pipes meters fittings or apparatus belonging to the Corporation.

Power to lay pipes in private streets.

64. The Corporation may on the application of the owner or occupier of any premises within the gas limits abutting on any street laid out but not dedicated to public use supply those premises with gas and for that purpose the provisions of the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation with the Acts relating to the gas undertaking.

Power to lay down pipes for ancillary purposes.

65. The Corporation may lay down place repair alter remove and renew mains pipes and culverts and other apparatus within the gas limits for the purpose of procuring conducting or disposing of any oil or other material used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with the gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when so laid shall so far as applicable for the purposes of this section extend and apply mutatis mutandis to and for the purposes thereof.

Period of error in defective meter.

66.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act 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.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Power to vary price according to purpose for which gas supplied.

67.—(1) Notwithstanding anything contained in the Acts relating to the gas undertaking the price to be charged by the Corporation for a supply of gas may vary according to the purposes for which the gas is supplied.

as may be agreed upon between the Corporation and the person taking such supply. A.D. 1921.

(2) Provided that the Corporation shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for the same purpose under like circumstances.

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

69. The Corporation may refuse to supply gas to any person whose payments for the supply of gas or meter rent are for the time being in arrear (not being the subject of a bonâ fide dispute) whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises. Corporation may refuse to supply gas in certain cases.

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

71.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the Anti-fluctuators to be used with gas engines.

A.D. 1921. premises to which the gas is supplied and whereon the engine is in use or to keep an efficient anti-fluctuator so fixed and used in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Corporation may cease to supply him with gas.

(3) The Corporation may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Corporation and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order and repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Corporation if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means any apparatus article or thing for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

Occupier to pay expenses of reconnecting discontinued supply.

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

Notice to discontinue supply of gas.

73. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation or be given by the consumer personally at the office of the Corporation.

74. At least twenty-four hours' notice shall be given to the Corporation by every gas consumer either personally at the office of the Corporation or in writing before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Corporation.

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Gas consumers to give notice to Corporation before removing.

75. The Corporation and any local authority company or person authorised to supply gas under parliamentary powers in any district adjacent to the gas limits may enter into and carry into effect contracts for the supply by one of the contracting parties to the other of gas in bulk upon and subject to such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise any party to any such contract to lay any mains or interfere with any street beyond their limits for the supply of gas.

Corporation may contract with local authority &c. for supply in bulk.

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

Corporation may contract for purchase of gas.

77. No penalty shall be incurred by the Corporation for neglect or refusal to give a supply of gas in accordance with the enactments relating to them or for insufficiency of pressure defect of illuminating power or of calorific value or excess of impurity in the gas supplied by them in any case in which the court having cognizance of the case are of opinion that such neglect refusal insufficiency defect or excess was occasioned by unavoidable cause or accident or by any circumstance beyond the control of the Corporation.

Saving as to penalties.

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—
Supply of
power gas.

78.—(1) The Corporation may make produce or purchase and may by agreement supply to any company local authority body or person within the gas limits at such price as may be agreed between the Corporation and such company local authority body or person gas (hereinafter called “power gas”) which shall not be required to comply with the provisions of the Acts relating to the Corporation as to the illuminating power calorific value purity or pressure of the gas supplied by them and notwithstanding anything contained in any such Act the provisions of sections 11 12 24 to 34 36 and 37 of the Gasworks Clauses Act 1871 shall not apply to the Corporation in respect of power gas nor shall the provisions of the said Acts with respect to such illuminating power calorific value purity or pressure as aforesaid and the testing thereof or with respect to the price of gas be applicable (a) in respect of power gas supplied by the Corporation or (b) to the Corporation in respect of power gas.

(2) Power gas shall be deemed to be gas within the meaning and for the purposes of the section of this Act whereof the marginal note is “Corporation may contract with local authority &c. for supply in bulk” and may subject to the provisions of the sections of this Act of which the marginal notes are respectively “Conditions as to quality of power gas supplied” “Home Secretary may make regulations as to supply of power gas” and “Provisions as to general Acts relating to power gas” be supplied for utilisation for any purpose other than lighting or domestic use.

(3) Nothing in this section shall deprive any person within the gas limits of any right which he may possess under the Acts relating to the Corporation of requiring a supply of gas of the illuminating power purity and pressure prescribed by those Acts or any enactment incorporated therewith.

Conditions
as to quality
of power
gas supplied.

79.—(1) It shall not be lawful for the Corporation at any time to supply power gas which does not possess a distinctive and readily perceptible smell.

(2) For every contravention of this section the Corporation shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of

this section within their district so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 and by section 98 of the Coal Mines Act 1911 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively :

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Provided that no proceedings shall be taken against the Corporation by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Corporation of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

80.—(1) The Secretary of State for the Home Department may from time to time either before or after the Corporation shall have commenced to give a supply of power gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Corporation) make or impose in the interests of the safety or health of persons regulations terms and conditions with respect to such supply.

Home Secretary may make regulations as to supply of power gas.

(2) The Corporation shall not under the powers of this Act supply or continue to supply power gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force. Provided that if in the opinion of the Corporation compliance with any such regulations terms and conditions would render the supply or continued supply of power gas by them unremunerative or impracticable it shall be lawful for the Corporation upon giving to all consumers of power gas supplied by them not less than three months' notice of their intention so to do to discontinue such supply and in that event the Corporation shall not be under any obligation to supply or to continue to supply power gas to any person.

(3) For every contravention of this section the Corporation shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State

A.D. 1921. — thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the section of this Act the marginal note whereof is “Conditions as to quality of power gas supplied.”

Provisions
as to general
Acts re-
lating to
power gas.

81. Nothing in this Act contained shall exempt the Corporation from the provisions of any general Act relating to the manufacture or supply of power gas passed before or after the passing of this Act or from any regulations which may be made under any such general Act.

Dwelling-
houses for
employees
and other
buildings.

82. The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connexion with the gas undertaking and offices show-rooms and other buildings for the purposes of that undertaking and they may also erect maintain and let any such buildings upon any land for the time being belonging or leased to the Corporation for those purposes.

For further
protection
of London
and North
Western
Railway
Company.

83. In laying down or executing or in effecting repairs and renewals of any mains pipes or other works under the powers of this Part of this Act upon across over under or in any way affecting the railways or canals belonging to the North Western Company or the lands property bridges approaches viaducts stations or other works of the North Western Company connected with such railways or canals or any level crossings over the railways of the North Western Company the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the said engineer and (except in cases of emergency) only according to plans to be submitted to and reasonably approved by him Provided that if the said engineer shall not disapprove the said plans within fourteen days from the submission thereof he shall be deemed to have approved thereof Such works shall be carried out in all things by and at the expense of the Corporation who also shall restore and make good the roads over any such bridges level crossings and approaches which the North Western Company are or may be able to maintain and which may be disturbed or interfered with by or owing to any such operations of the Corporation and all such works matters and things shall be constructed executed and done so as not to cause any reasonably avoidable injury to such railways

canals bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic on such railways or canals and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works arising otherwise than by reason of any act or default of the North Western Company the Corporation shall make compensation in respect thereof to the North Western Company.

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PART V.

ELECTRICITY.

84. The Corporation may in connexion with and for the purposes of the electricity undertaking fit up show-rooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

As to
offices and
show-
rooms.

85. If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement:

Provisions
with supply
of electricity
by agree-
ment.

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

86. The provisions of section 15 of the Electric Lighting Act 1909 shall extend and apply to the supply of electricity by the Corporation for power purposes to any premises having a separate supply of power whether such separate supply be by electricity gas steam or other source of power.

Extending
section 15
of Electric
Lighting
Act 1909.

87. The Corporation may upon the application of the owner or occupier of any premises abutting on or

Power to
lay electric
mains in

A.D. 1921.
—
streets not
repairable
by the in-
habitants
at large.

being erected in any street laid out but not repairable by the inhabitants at large within their area for the supply of electricity supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1919 with respect to the breaking up of streets shall extend and apply mutatis mutandis to and for the purposes of this section as if such streets had been specified in the Third Schedule to the Order of 1898.

Notice to
discontinue
supply of
electricity.

88.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left with or sent by post to the Corporation or be given by the consumer personally at the office of the Corporation.

(2) Notice to the effect of this section shall be endorsed upon any demand note for charges for electricity.

Increase of
maximum
price for
supply of
energy.

89. The maximum prices specified in section 1 of the Fourth Schedule to the Order of 1898 shall be and are hereby increased by fifty per centum of the respective amounts thereof Provided that this section shall not apply to the minimum quarterly payment referred to in the said section 1.

Revision of
maximum
charges for
electricity.

90. If either—

(A) the Corporation; or

(B) such number of consumers not less than twenty as the Minister of Transport considers sufficient having regard to the population of the area of supply

at any time after the expiration of three years after the passing of this Act make a representation to the Minister that the maximum prices as increased under the provisions of the section of this Act of which the marginal note is "Increase of maximum price for supply of energy" or the methods of charge stated in the Order of 1898 or approved by the Minister ought to be altered the Minister after such inquiry as he may think fit may make an order varying such prices or methods of charge or substituting other prices or methods of charge in lieu thereof and the prices or methods of charge so varied or substituted

shall have effect on and after such day as may be mentioned in the order as if they had been stated in the Order of 1898 Provided that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of three years after they were last altered Provided also that the said maximum prices shall not under the provisions of this section be reduced below the maximum prices prescribed by the Order of 1898.

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91. The Corporation may with the consent of the persons liable to repair any street not repairable by the inhabitants at large or dedicated to the public use subject to the provisions of the Electricity (Supply) Acts 1882 to 1919 and the Order of 1898 construct and maintain in or under that street substations transforming stations and other works in connexion with the electricity undertaking and may in any such street provide and maintain all such means of access and approach to such substations transforming stations and works as may be necessary or convenient Provided that where in the opinion of the Corporation the consent of any owner lessee or occupier as aforesaid is unreasonably withheld the Corporation may appeal to a petty sessional court who shall have power to allow the construction and maintenance of such substations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid.

Power to construct electrical substations under streets.

92. Any expenses reasonably incurred by the Corporation in reconnecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

Power to recover charge for reconnexion.

PART VI.

STREETS.

93. The power of the Corporation to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connexion with the laying

Byelaws as to intersecting streets.

A.D. 1921. — out of new streets at such intervals as the byelaws may determine For the purposes of this section intersecting street means a side or cross street forming a junction with another street.

Adjust-
ment of
boundaries
of streets.

94. The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under the section of this Act of which the marginal note is "Appeal to petty sessional court" the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal The advertisement in the newspaper shall include notice of this proviso.

Adjust-
ment of
boundaries.

95.—(1) The Corporation may for the purposes of securing the proper laying out or development of any estate or lands in respect of or in connexion with which plans for any new streets to be constructed are submitted to the Corporation for approval require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Ministry of Health and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement

be determined by arbitration as aforesaid provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Ministry of Health and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

96.—(1) The Corporation may grant to the owner or with the consent of the owner to the lessee or occupier of any premises abutting upon any street repairable by the inhabitants at large or any public highway a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without trucks by means of a bridge over such street or

Power to Corporation to grant licences for bridges over streets.

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highway for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given on such terms and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit Provided that no fine rent or other sum of money (except a reasonable sum in respect of legal or other expenses incurred) shall be payable for or in respect of such licence.

(2) Provided also that any licence given under this section shall not in any way interfere with the convenience of persons using such street or affect the rights of the owners of the property adjoining and up to the line of the street or highway.

(3) Provided further that in the event of the construction of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of over-ground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1920 be deemed part of the street or road which it crosses.

(4) If any person shall construct a bridge over any such street or highway without such licence or shall construct or use the same otherwise than in accordance with the terms and conditions of the licence he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

For pre-
venting soil
&c. from
being
washed into
streets.

97. The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon any private street communicating with any public street shall so fence off channel or embank their lands as to prevent soil sand clay cinders or other like substances from such lands from falling upon or being washed or carried into any public street or sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully 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.

For the purposes of this section "public street" means so much of a street repairable by the inhabitants

at large as is sewered and "private street" means a street not so repairable: A.D. 1921.

Provided that such owner or occupier shall not be responsible for any soil sand clay cinders or other substances from land other than his own although such soil sand clay cinders or other substances may have passed over the land of such owner or occupier. Provided further that this section shall not apply to any land of a bonâ fide agricultural character or to any woodland.

98. Where premises abutting upon any street are so situate that surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within fourteen days after service of a notice by the Corporation for that purpose execute such works as may be reasonably practicable 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. For preventing water flowing on footpaths.

99.—(1) Section 69 (Future projections of houses &c. to be removed on notice) and section 70 (Commissioners may cause existing projections to be removed on giving notice and making compensation) of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Acts shall extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street. Prevention and removal of projections over streets.

(2) This section shall not apply to any building (not used as a dwelling-house) belonging to or which may hereafter belong to any railway company pursuant to their statutory powers.

PART VII.

BUILDINGS.

100. In case any building is erected or raised after the first day of October one thousand nine hundred and twenty to a greater height than the adjoining building and any flues or chimneys of such adjoining building are Erection of buildings to greater height than adjoining buildings.

A.D. 1921. 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 this section shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding twenty shillings.

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

101.—(1) 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 after the passing of this Act 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 which he may suffer by reason of the setting back or bringing forward of such building wall or fence.

(2) Nothing in this section shall apply to any building (not used as a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company and used for the purposes (other than a dwelling-house) of the undertaking of such company with the authority of Parliament.

102. Any external structural alteration in to or upon any building after the roof has been covered in to the extent of such alteration shall be subject to all enactments and byelaws to which new buildings in the borough are from time to time subject.

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—
As to alterations to old buildings.

103.—(1) If the medical officer is of opinion that any building proposed to be erected in the borough would if erected—

Prevention of obstructive buildings.

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

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

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

(2) The Corporation on receiving any such representation shall cause a report to be made to them respecting the circumstances of the case and the cost of acquiring the land upon which such building is proposed to be erected and on receiving such report shall take into consideration the representation and report and if they decide to proceed shall cause a copy of both the representation and report to be given to the owner of the said land with notice of the time and place appointed by the Corporation for the consideration thereof and such owner shall be at liberty to attend and state his objections and after hearing such objections the Corporation shall make an order either allowing the objection or directing that such building shall not be erected and such order shall be subject to appeal in like manner as an order of demolition of the local authority under the provisions of Part II. of the Housing of the Working Classes Act 1890.

(3) Where an order of the Corporation prohibiting the erection of a building is made under this section and either no appeal is made against the order or an appeal is made and either fails or is abandoned the Corporation may (and if required so to do by notice in writing from the said owner served within seven days from the last

A.D. 1921. — date upon which such owner might have so appealed or from the hearing of such appeal (as the case may be) shall) purchase the land on which the building was proposed to be erected in like manner as if they had been authorised by a special Act to purchase the same and for the purpose of such purchase the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this section and such lands may be purchased at any time within one year after the date of the order or if it was appealed against after the date of the confirmation.

(4) The owner of the land may within one month after notice to purchase the same is served upon him declare that he desires to retain the said land and in such case the owner shall retain the said land.

(5) The amount of any compensation to be paid on the purchase of any land under this section shall in case of difference be settled by arbitration in manner provided by section 41 of the Housing of the Working Classes Act 1890.

As to erection of retaining walls.

104.—(1) Before any person shall erect on any land within the borough a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Area of habitable rooms.

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

106. The Corporation may make byelaws with respect to— A.D. 1921.

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space.

—
Byelaws as to erection of dwelling-houses under continuous roof.

107. The Corporation may make byelaws with respect to the following matters (viz.) :— Byelaws as to materials and construction of buildings &c.

- (1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act :
- (2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connexion therewith and as to the occupation of buildings when united :
- (3) The testing of drains of new buildings :
- (4) The description or nature size materials position and level of waterclosets and of the apparatus and the manner of flushing the same and the means to be provided for protection of the same from frost :
- (5) Requiring the block and ground plans and sections deposited in pursuance of any enactment for the time being in force in the borough to be drawn on tracing cloth.

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

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Food stor-
age accom-
modation to
be provided.

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

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

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

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

Power to
require use
of ladders
&c.

110. In exercising any powers of entry and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

For protec-
tion of
railway
companies.

111. The sections of this Part of this Act of which the marginal notes are respectively "Erection of buildings

to greater height than adjoining buildings” “As to erection of retaining walls” “Byelaws as to materials and construction of buildings &c.” and “Byelaws as to admission of light to buildings” shall not apply to any building (not used as a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company and used for the purposes (other than a dwelling-house) of the undertaking of such company with the authority of Parliament.

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PART VIII.

TEMPORARY STANDS &C.

112.—(1) Every person intending to erect within the borough any stand or structure for affording sitting or standing accommodation for a number of persons shall within fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such regulations as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon.

Restriction on erection of temporary stands &c.

(2) Any person acting in contravention of this section or offending against any such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

PART IX.

MEANS OF ESCAPE IN CASE OF FIRE.

113.—(1) Every new building which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel restaurant hospital boarding-house common lodging-house or school or as a shop in which building sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop shall be provided on each of the storeys the upper surface of the floor whereof is above twenty

Means of escape from buildings in case of fire.

A.D. 1921. feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed therein or resorting thereto as may be reasonably required by the Corporation 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) From and after the first day of January one thousand nine hundred and twenty-two the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a shop and in which building sleeping accommodation is or is intended to be provided if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(3) Where the means of escape in case of fire provided in connexion with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape.

(4) (A) Any person aggrieved by any requirement of the Corporation under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(B) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under either of the said subsections.

(5) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirement of the Corporation under this section.

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable under all the circumstances of the case.

(7) The means of escape in case of fire provided in connexion with any such building as aforesaid shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

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

(9) 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.

PART X.

SANITARY.

114. The Corporation may provide and maintain Street orderly bins or other receptacles for the collection and orderly bins. temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the borough of such dimensions and in such positions as the Corporation may from time to time determine.

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

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

(3) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligations under subsection (2) of this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

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

Restrictions
on use of
ashbins.

116.—(1) From and after the passing of this Act it shall not be lawful for any person to use any ashbin for any purpose other than the deposit of dust ashes or other dry house refuse intended for removal by or on behalf of the Corporation.

(2) Any person contravening the provisions of this section shall be liable to a penalty of ten shillings and to a daily penalty of ten shillings.

Sanitary
conveni-
ences for
workmen
engaged on
buildings.

117.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building or of any works in the borough shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such construction reconstruction or alteration sanitary conveniences in or in connexion with such building or works for the accommodation of the workmen employed.

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

Wilful
damage to
drains
water-
closets &c.

118. If any person causes any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds

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

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119. 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 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. Provided that this section shall not apply to any canal belonging to any canal company incorporated by Act of Parliament.

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

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

Courts to be flagged and drained.

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

121.—(1) The owner of any dwelling-house erected whether before or after the passing of this Act which is not provided with a proper water supply within such dwelling-house who shall occupy the same or allow the

As to houses without water supply.

A.D. 1921. same to be occupied shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) Provided that—

- (A) The owner of any dwelling-house erected before the passing of this Act shall not be liable to the penalties provided by subsection (1) of this section unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house with a proper water-supply within such dwelling-house :
- (B) The Corporation shall repay to the owner of any such dwelling-house erected before the passing of this Act one-third of the amount reasonably expended by him in complying with the requirements of such notice (including the cost of providing and fixing any necessary sink and connexion to the drain) :
- (C) This section shall not apply to a dwelling-house erected before the passing of this Act which has no scullery or to any dwelling-house in respect of which a sewer or drain and a water main are not reasonably available.

As to filthy premises.

122.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if such officer is satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

(2) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

123. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under this Part of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

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Penalty on occupiers refusing execution of Act.

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

Power of entry.

PART XI.

HUMAN FOOD.

125.—(1) Any premises used or proposed to be used for the preparation or manufacture of potted or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid.

Registration of premises used for manufacture &c. of potted meats.

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

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901

A.D. 1921. — to be given or shall in any way affect the operation of that Act.

(4) This section shall not apply to any premises used as a hotel.

Byelaws for places used for preparation of food.

126. The Corporation may from time to time make byelaws for securing cleanly and sanitary conditions in places used for the preparation or manufacture of cooked or prepared food for the purpose of sale and intended for the food of man :

Provided that before confirming any byelaws made as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts apply the Ministry of Health shall consult the Secretary of State.

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

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

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building as a sleeping place in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The medical officer and the inspector of nuisances and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of the provisions of this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

For regulating manufacture and sale of ice-cream &c.

128.—(1) Any person being a manufacturer of or vendor 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

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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 or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer;

shall be liable for every such offence upon summary conviction thereof to a penalty not exceeding five pounds.

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

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

(4) The medical officer and the inspector of nuisances and any other 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 any manufacturer vendor or merchant of 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

A.D. 1921. 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 to a penalty not exceeding forty shillings.

Byelaws requiring covering over of meat &c. during conveyance through streets.

129. The Corporation may from time to time make byelaws requiring the covering over of meat or such other articles intended for the food of man as may be specified in the byelaws while being conveyed through or along any street.

Prohibition of blowing or inflating carcasses.

130. It shall not be lawful to blow or inflate the carcass or any part of the carcass of any animal slaughtered within or brought into the borough and any person so blowing or inflating any carcass or part of a carcass or exposing or depositing for sale within the borough a carcass so blown or inflated or any part thereof shall be liable to a penalty not exceeding five pounds.

Rag and bone dealers not to sell food.

131. (1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of a rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute within the borough any articles of food from any cart barrow or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connexion with the business of a rag and bone merchant.

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

Extension of powers of veterinary inspector to section 116 of Public Health Act 1875.

132. Every veterinary inspector of the Corporation may exercise the powers of section 116 (Power of medical officer of health to inspect meat &c.) of the Public Health Act 1875 in the same manner as the medical officer or the inspector of nuisances and the Public Health Acts shall apply within the borough as if such veterinary inspector were mentioned in the said section in addition to the medical officer and the inspector of nuisances.

PART XII.

A.D. 1921.

INFECTIOUS AND CONTAGIOUS DISEASES.

133. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in any occupation connected with food intended for the use of man or knowingly carries on any trade or business connected with food intended for the use of man in such a manner as to be likely to spread the infectious disease he shall be liable on conviction to a penalty not exceeding forty shillings.

Prohibition on infected person carrying on business.

134. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

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

135.—(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 a dangerous infectious disease shall on the application of the medical officer or the deputy or assistant 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 or the deputy or assistant medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

Penalty on withholding information from medical officer.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable on summary conviction to a penalty not exceeding forty shillings.

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

A.D. 1921.

Removal of
body of
person who
has died of
infectious
disease.

136. 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 such case it shall not be lawful to transport any 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.

For prevent-
ing contact
with body
of person
who has died
of infectious
disease.

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

Removal
of person
suffering
from pul-
monary
tuberculosis
to hospital.

138.—(1) If the medical officer certifies in writing that any person is suffering from pulmonary tuberculosis and is in a highly infectious state and that the lodging or accommodation with which such person is provided is such that proper precautions to prevent the spread of the infection cannot be taken or that such precautions are not being taken and serious risk is thereby caused to other persons and that thorough inquiry and consideration have shown the necessity in the public interest for the compulsory isolation of the person the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination by a registered medical practitioner to be nominated by them if they think fit may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the borough or within a convenient distance of the borough and for the retention and maintenance of such person therein for such period not exceeding three months as may be

determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section. A.D. 1921.

(2) The medical officer shall give the person so suffering or some person being in charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The Corporation may in their discretion during the period of retention make payments for or towards the effective support and maintenance of the relatives of or those actually dependent upon any person so suffering occasioned by the removal of any such person to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the amount necessary for such effective support and maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependants.

(4) An order under this section may be addressed to such constable or officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

A.D. 1921.

(6) 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 an order of the Minister of Health which order the Minister of Health is hereby empowered to make.

Disinfection
in case of
tuberculosis.

139.—(1) (A) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation or any boat lying in any river dock canal or other water and used for the like purpose) within the borough would tend to prevent or check tuberculosis 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 and 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.

(B) 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 as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers 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 and at the cost of the Corporation under the superintendence of the medical officer.

(C) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer 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.

(D) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable on summary conviction to a penalty of forty shillings and to a daily penalty of twenty shillings. A.D. 1921.

(2) (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 or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered 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 of five pounds.

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

(3) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default 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.

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

Power medi-
cally to
examine
inmates of
common
lodging-
houses
where in-
fectious
disease is
supposed to
exist.

A D. 1921. having regard to the circumstances of the case shall in the resolution determine (that is to say) :—

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

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

141.—(1) No person being the parent or having the care or charge of a child 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 or place of public entertainment or assembly in the borough without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend Sunday school or any such place as aforesaid 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 not exceeding forty shillings. A.D. 1921.

142.—(1) If the Corporation or a committee of the Corporation acting on the advice of the medical officer with a 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 therefrom for a specified time such requirement shall be at once complied with. Power to close Sunday schools in certain events.

(2) Any person responsible for the conduct or management of any Sunday school wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

143. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles whooping cough chicken pox and influenza. Extended meaning of "infectious disease" for certain purposes.

PART XIII.

SEWERS AND DRAINS.

144. 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 with which he is entitled to have such sewer or drain made to communicate such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose. Corporation to make communications between private drains and their sewers on payment &c.

145.—(1) The owner of any culvert made before or after the passing of this Act over any watercourse shall from time to time repair maintain and cleanse the same and if any such owner fails to comply with the requirements of a notice given to him by the Corporation to repair maintain or cleanse his culvert within a time specified in the notice the Corporation may execute any necessary works of repair or maintenance of or may cleanse Owners to repair and cleanse culverts.

A. D. 1921. such culvert and the expenses thereby incurred as certified by the surveyor shall be repaid to them by the owner.

(2) This section shall not apply to any culvert constructed and maintained or to be constructed and maintained under any statutory provision.

Prohibiting entry of petrol &c. into sewers.

146. Every person who wilfully or negligently turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any petrol oil or other like substance from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

As to repair of private drains.

147. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit.

Combined drains.

148.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under the section of this Act of which the marginal note is "Appeal to petty sessional court" in regard to the amount of such last-mentioned

costs and expenses or the amount thereof to be borne and paid by any person. A.D. 1921.

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

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

149.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly. Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

150.—(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 Act for the time being in force in the borough the Corporation have

A.D. 1921. — 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 that Act shall apply to such sewers accordingly Provided that the powers 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 sewers for sewage and surface water 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 effectually to drain such premises the provisions of this subsection shall not apply to such 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 the surface-water drainage thereof and the Corporation may if they think fit make all such alterations.

Notice of
intention to
repair
drains.

151.—(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 twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

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

A.D. 1921.

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

(4) This section shall not apply to any drain constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers and used for the purposes of the undertaking of such company with the authority of Parliament but not being a drain connected with any dwelling-house.

PART XIV.

VERMINOUS HOUSES AND PERSONS.

152.—(1) If the medical officer or the inspector of nuisances has reasonable cause to believe that any house is infested with vermin he may enter on such house and may inspect and examine the same and any article therein for the purpose of ascertaining whether such house is infested with vermin.

Houses infested with vermin to be cleansed.

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

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable on summary conviction to a fine not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the

A.D. 1921. notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall be recoverable summarily as a civil debt from the person making the default.

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

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

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation.

Cleansing of
verminous
persons.

153.—(1) The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate may cause any such person who does not consent to leave his house to be removed therefrom to and detained in any such temporary shelter or house accommodation where two justices on the application of the Corporation and on being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order

The Corporation shall in every case cause the removal and detention to be effected and the conditions of any order satisfied without charge to the person removed.

A.D. 1921.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) If any person at the request of the Corporation or under an order of such justices shall cease his employment in order to comply with such order the Corporation may and in case of an order of the justices shall make compensation to him for any loss he may suffer thereby.

(4) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation or any boat lying in any river dock canal or other water within the borough and used for the like purpose.

(5) This section shall not apply to any child as ~~defined in this Act of which the marginal~~ note is "Cleansing of children and their clothing."

154.—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may within the borough examine the person and clothing of any child (other than children in boarding schools including reformatory and industrial schools) and if on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice.

Cleansing
of children
and their
clothing.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act

A.D. 1921. convey to such premises and there detain such child until such cleansing is effected.

(3) Where after the person or clothing of a child has been cleansed under the provisions of this section the parent or guardian or other person liable to maintain the child allows him to get into such a condition that it is again necessary to proceed under this section the parent guardian or other person shall on summary conviction be liable to a fine not exceeding ten shillings.

(4) The examination or cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter at his usual or last known residence.

In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of the child whose person or clothing requires to be cleansed.

(6) For the purposes of this section the expression "child" means a person under the age of fourteen years.

PART XV.

OFFENSIVE TRADES.

Defining establishment of a new business for purposes of section 112 of Public Health Act 1875.

155.—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act a trade business or manufacture shall be deemed to be established not only if it is established for the first time but also if without the consent in writing of the Corporation—

- (A) it is removed from one set of premises to any other premises; or
- (B) it is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or

(c) any premises on which it is for the time being carried on are enlarged; A.D. 1921.

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

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

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

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

Discon-
tinuance of
offensive
trade.

Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of the section of this Act of which the marginal note is "As to appeals" and that the provisions of that section shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) of this section shall be

A.D. 1921. liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay compensation to such person for any loss sustained by him in consequence of the action of the Corporation. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

PART XVI.

SALE OF COKE.

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

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

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

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

158.—(1) The seller or person in charge of any vehicle from which coke is being sold by weight in quantities exceeding fourteen pounds shall carry on such vehicle a weighing instrument or measure stamped by an inspector of weights and measures.

A.D: 1921.
Weighing
instrument
or measure
to be
carried on
vehicle.

(2) Any person who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding five pounds.

159.—(1) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale coke in a quantity exceeding fourteen pounds but not exceeding two hundredweights shall sell the same or offer or expose the same for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

Regulating
sale of coke
under two
hundred-
weights.

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

(3) Any person who shall fail to comply with the provisions of either of the two preceding subsections of this section shall be liable on the first occasion to a penalty not exceeding forty shillings and on the second or any subsequent occasion to a penalty not exceeding five pounds.

(4) If the seller or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale in quantities not exceeding two hundredweights wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

(5) Public notice of the provisions of this section shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice fixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far

A.D. 1921. as such persons can reasonably be ascertained The production of copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this subsection have been complied with.

Power to require weighing or reweighing of coke and vehicles.

160.—(1) Any purchaser of coke in a quantity exceeding two hundredweights and any inspector of weights and measures or other officer appointed by the Corporation may subject as hereinafter provided require that any coke sold as mentioned in the section of this Act of which the marginal note is “Weight ticket or note on delivery of coke over two hundredweights” or any vehicle used for the carriage of such coke be weighed or reweighed by any instrument stamped by an inspector of weights and measures.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweights and any inspector of weights and measures or other officer appointed by the Corporation may subject as hereinafter provided require that any coke sold offered or exposed for sale as mentioned in the section of this Act of which the marginal note is “Regulating sale of ~~coke under two~~ hundredweights” be weighed or reweighed or measured or remeasured by any instrument or measure stamped by an inspector of weights and measures.

(3) Provided that—

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

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

(4) If any person obstructs any weighing or re-weighing or measuring or remeasuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

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

PART XVII.

CONSOLIDATION OF RATES.

161. This Part of this Act shall come into operation on the first day of April one thousand nine hundred and twenty-two which date is in this Part of this Act referred to as "the commencement of this Part of this Act."

Commencement of this Part of Act.

162. In this Part of this Act unless the subject or context otherwise requires—

Interpretation of expressions in this Part of Act.

"The parish" means the township of Batley;

"The overseers" means the overseers of the parish;

"The poor rate" means the poor rate of the parish;

"The consolidated rate" means the poor rate as by this Part of this Act authorised to be levied and collected.

163.—(1) All expenses of the Corporation which if this Part of this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund or general district rate or otherwise shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the district fund or general district rate in the former Acts or in this Act or in any Act or Provisional Order in force in the borough or in any mortgage of or charge on the said rate or fund granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate.

All expenses of Corporation to be paid out of borough fund and rate.

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(2) The district fund shall be closed and any balance which at the commencement of this Part of this Act is standing to the credit or to the debit of the said fund shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connexion with the said fund shall notwithstanding the provisions of this Part of this Act continue to be payable to and recoverable by the Corporation as if this Part of this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

Contribution to borough rate to be paid out of poor rate.

164. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate and the provisions of section 145 of the Municipal Corporations Act 1882 shall apply to such contribution.

Poor rate to be called "the consolidated rate."

165. The poor rate (inclusive of the contributions to the borough rate levied as part thereof in pursuance of the provisions of this Act) shall be called "the consolidated rate."

Differential rating for certain classes of hereditaments.

166. The provisions contained in this section shall have effect with respect to the consolidated rate (that is to say) :—

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as in this section provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of two-thirds only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

(2) During the continuance of the Tithe Rentcharge (Rates) Act 1899 that Act shall have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say) :—

"The owner of tithe rentcharge attached to a benefice shall be liable to pay only three-

fifths of the amount payable under subsection (1) of the section of the *Batley Corporation Act 1921* of which the marginal note is 'Differential rating for certain classes of hereditaments' in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining two-fifths thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of the estate duty grant":

- (3) During the continuance of the *Agricultural Rates Act 1896* the occupier of any agricultural land as defined in that Act shall be liable to pay in each year in respect of such land a rate calculated on the basis of two-fifths only (instead of two-thirds) of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section:
- (4) The occupier of any land covered with water or used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of sixty-three per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section:
- (5) Nothing in this section shall in any way affect—
 - (A) The operation of the *Agricultural Rates Act 1896* save as in this section is expressly provided or the payment of the sum certified by the Ministry of Health as the amount of the share of the annual grant payable under that Act out of the local taxation account to any spending authority; or
 - (B) The operation of the *Tithe Rentcharge (Rates) Act 1920*; or

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(c) The amount of the contribution for any purposes to be made by the parish out of the poor rate; or

(d) The calculation of the amount in the pound of the part of the poor rate levied for the purposes of the relief of the poor and other expenses of the guardians and expenses of the overseers respectively which is required to be stated in the demand note for the poor rate.

(6) During the period referred to in the section of this Act of which the marginal note is "Differential rating in Upper Soothill area" the provisions of this section shall not apply to any such hereditaments as are referred to in that section.

Differential
rating in
Upper
Soothill
area.

167.—(1) Until the thirty-first day of March one thousand nine hundred and twenty-five the following provisions shall have effect (that is to say):—

(A) The amount in the pound of the consolidated rate to be levied in any one year in respect of any hereditaments in that part of the borough which formerly comprised part of the urban district of Soothill Upper (not being any such land as is referred to in paragraph (B) of this subsection) shall be an amount equal to the aggregate of the following sums namely:—

(i) the sum of five shillings and fourpence;

(ii) so much of the amount in the pound of the consolidated rate levied in that year in respect of hereditaments in the remainder of the borough (not being any such hereditament as is referred to in the section of this Act of which the marginal note is "Differential rating for certain classes of hereditaments") as is attributable to the requirements of the Corporation for satisfying any precept issued to them by the West Riding County Council or by the guardians of the poor of the Dewsbury Union or by the overseers of the parish of Batley and for defraying any expenses of the Corporation in pursuance of any public general Act passed

since the thirty-first day of March one thousand nine hundred and ten or hereafter to be passed and conferring additional powers or imposing additional duties upon the Corporation : A.D. 1921.

- (B) The amount in the pound of the consolidated rate to be levied in any one year in respect of any such land as is referred to in the section of this Act of which the marginal note is "Differential rating for certain classes of hereditaments" and as is in the said portion of the borough shall subject as hereinafter provided be an amount less by three shillings and two pence and a halfpenny than the amount in the pound leviable in that year pursuant to the foregoing paragraph (A) of this subsection in respect of other hereditaments in the said portion of the borough :

Provided that during the continuance of the Agricultural Rates Act 1896 the occupier of any agricultural land as defined in that Act shall be liable to pay in each year in respect of such land a rate calculated on the basis of two-fifths only of the amount in the pound of the rate payable in respect of hereditaments in the said portion of the borough which are not within the provisions of this paragraph.

(2) Article XXVII. (Differential rating) of the Order of 1909 is hereby repealed.

168.—(1) It shall be lawful if the Corporation think fit for any owner or owners of rateable property of which the 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 to be rated instead of the occupier or occupiers of such property and every such owner so rated shall pay the consolidated rate instead of the occupier but in every such case such owner shall be entitled to any allowance which the Corporation think reasonable not exceeding ten pounds per centum of such net annual value Provided that—

Owner may be rated instead of occupier in certain cases.

- (A) The percentage of any such allowance shall be alike in all cases where the circumstances are similar :

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(B) Where the owner is willing to enter into an agreement to pay the consolidated rate whether the premises are occupied or not he shall be entitled to a further allowance not exceeding five pounds per centum of the said net annual value:

(c) The owner shall not be entitled to any allowance as provided by this section where the amounts due in respect of rates are not paid within three months after the rate shall have been made or within two months after the same shall have been demanded whichever shall be the later.

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

(3) Unless and until the Corporation exercise the option given to them by this section the provisions of sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 as amended by the Local Government Act 1894 shall remain in operation and the provisions of the first-named Act as amended as aforesaid shall extend and apply to the whole of the consolidated rate.

Amendment
of error in
consolidated
rate.

169. Any person who feels aggrieved by reason of any clerical or arithmetical error in a consolidated rate may apply to a court of summary jurisdiction sitting in and for the borough who after the applicant has given such notice to the overseers who made the rate and such persons as the court may think just may hear the case in like manner as in the case of summary proceedings and amend the rate so far as respects such error.

Omissions
from conso-
lidated rate.

170. Whenever the name of any person liable to be rated at the time the consolidated rate is made is

omitted therefrom or if any person is described in any such rate by a wrong name the overseers may after giving to such person seven clear days' notice of their intention apply to a court of summary jurisdiction sitting in and for the borough who may hear the case in like manner as in the case of summary proceedings and insert the name so omitted or correct the name so wrongly entered and every such insertion and correction shall operate as if it had been part of the original rate Provided that any person whose name is so inserted or corrected in any such rate may appeal against the same at the quarter sessions of the borough which is holden next after such insertion or correction in like manner as he might have appealed against the rate.

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171. For the purposes of section 133 of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be one half of the amount in the pound of the consolidated rate.

As to section 133 of Lands Clauses Consolidation Act 1845.

172.—(1) If any occupier referred to in subsection (2) of the section of this Act of which the marginal note is "Differential rating for certain classes of hereditaments" claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next practicable quarter sessions for the borough under and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless seven days' notice in writing of such appeal and of the ground thereof be given by the appellant to the Corporation and the overseers.

Appeals against insufficient allowance in differential rate.

(2) On appeals under this section the court to which such appeal shall be made shall have power to determine the amount payable by the occupier in respect of such rate and to award costs between the parties to the appeal.

173. No warrant of commitment in respect of non-payment of the consolidated rate shall be issued against any person who shall satisfy the court that his failure to pay the said rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the said rate.

As to recovery of consolidated rate.

A.D. 1921.

PART XVIII.

FINANCE.

Expenses of
execution of
Act.

174. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such expenses as are to be paid out of borrowed money) shall be paid as follows (that is to say):—

- (1) Expenses incurred for sanitary purposes out of the district fund and general district rate :
- (2) Expenses incurred for purposes of the gas undertaking out of the gas revenue and if in any year that revenue be insufficient for the purposes to which it is applicable the deficiency shall (subject to the provisions of section 57 (Application of contingency or depreciation fund Batley Corporation) of the Act of 1873) be made up out of the borough fund and borough rate :
- (3) Expenses incurred for purposes of the water-works undertaking out of the water revenue :
- (4) Expenses incurred for purposes of the electricity undertaking out of the revenue of that undertaking :
- (5) Expenses incurred for all other purposes (not otherwise provided for in this Act) out of the borough fund and borough rate :

Provided that as respects such purposes as are referred to in the foregoing paragraphs (3) and (4) respectively if in any year the revenue referred to in relation to those purposes be insufficient for the purposes to which it is applicable the deficiency shall (subject to the provisions of the section of this Act of which the marginal note is "Revenues and deficiencies in respect of water and markets undertakings") be made up out of the district fund and general district rate.

Power to
borrow.

175.—(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 in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods mentioned in the fourth column thereof (namely) :—

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1. Purpose.	2. Amount.	3. Charges.	4. Period for Repayment.
(a) (i) For the construction of the waterworks.	£ 495,300	The water revenue and the district fund and general district rate.	Years from date of borrowing. 50
(ii) For the acquisition of lands and easements.	4,600		60
(b) For the general purposes of the gas undertaking.	120,000	The gas revenue and the borough fund and borough rate.	30
(c) For payment of the costs and expenses of obtaining this Act as hereinafter defined.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.

(2)—(A) The Corporation may also with the consent of the Ministry of Health borrow such money as may be necessary for any of the purposes of this Act other than the purposes of Part V. (Electricity) and may with the consent of the Electricity Commissioners as respects the said Part V. borrow such further money as may be necessary for any of the purposes of the said Part of this Act.

(B) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Ministry or Commissioners with whose consent it is borrowed and that period shall be the prescribed period for the purposes of the enactments incorporated herewith.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of

A.D. 1921. interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Ministry or Commissioners with whose consent the money is borrowed.

Section 234 of Public Health Act 1875 not to apply.

176. 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.

Mode of raising money.

177.—(1) The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or (with the consent of the Ministry of Health under section 52 of the Public Health Acts Amendment Act 1890) by the creation and issue of stock or partly in one way and partly in another or others.

(2) Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) of that Act.

Provisions of Public Health Act 1875 as to mortgages to apply.

178. Subject to the provisions of the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Mode of payment off of money borrowed.

179. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment

to the sinking fund shall be made within one year or (when the money is repaid by half-yearly instalments or by half-yearly payments to the sinking fund) within six months from the date of borrowing. A.D. 1921.

180.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either— Sinking fund.

(A) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(B) by payment to the fund throughout the prescribed period of such equal yearly or half-yearly sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such higher rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the

A.D. 1921. interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appear to the Minister of Health that any such increase is necessary the Corporation shall increase the payments to such extent as the Minister may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more

than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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—

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of that Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister of Health may determine.

181.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand five hundred pounds in the whole.

Appoint-
ment of
receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

182.—(1) For the purpose of providing temporarily during any financial year for their current expenses and after the commencement of such year it shall be lawful for the Corporation to borrow by way of temporary loan or overdraft from any bank 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. Any amount so borrowed shall form a charge upon the rates or the

As to
temporary
borrowing.

A.D. 1921. — revenue of any 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 Corporation stock 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 in hand crediting the said sinking funds with such fair rate of interest not being less than the rate per centum per annum on which the equal annual payments to such sinking funds are based as they may resolve.

Provided that—

- (A) All sums borrowed by the Corporation under this section in respect of the current expenses of any financial year shall be repaid (i) in the case of moneys charged upon the revenue of any undertaking out of the revenue of that undertaking received by the Corporation in respect of such year and (ii) in any case within three months after the expiration of the financial year :
- (B) The Treasurer shall within forty-two days after the end of each financial year furnish to the Ministry of Health 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 the Ministry shall approve or require :
- (C) The Ministry of Health may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayments have been complied with and if it appear to the Ministry by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section as to repayment the Ministry 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 twenty-two unless they shall have been continued by Act of

Parliament or by an order made by the Minister of Health which order the Minister is hereby empowered to make and in the event of the Minister making any such order he is hereby empowered to make such modifications or amendments in the provisions of this section as may appear to him to be necessary.

A.D. 1921.

183. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed under the powers of the section of this Act of which the marginal note is "As to temporary borrowing") to which capital is properly applicable.

Application
of money
borrowed.

184.—(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.

Power to use
one form of
mortgage for
all purposes.

(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 and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

(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

A.D. 1921. 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 fine not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his rights and interests 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 said Third Schedule 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 rights 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 moneys secured thereby.

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(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 fine not exceeding twenty pounds.

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

Power to use sinking fund instead of borrowing.

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

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

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

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

(B) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited

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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 reborrowing 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 Minister of Health with regard to the exercise of the powers contained in this section as the Minister shall require.

Power to
reborrow.

186.—(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.

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(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.

187. Where under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to invest all sinking funds in statutory securities.

188. A person lending any principal moneys to the Corporation shall not be bound or entitled to inquire as to the observance by the Corporation of any provisions of this Act or any other Act or Acts or of the conditions attaching to the statutory borrowing power under which the money is borrowed or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Protection of lender from inquiry.

189. Notwithstanding anything contained in any Act or Order relating to the Corporation the accumulations of the annual sums to be paid into any accumulating sinking fund of the Corporation may be reckoned at a rate not exceeding three and a half per centum per annum or such higher rate as the Minister of Health may from time to time approve.

As to accumulating sinking funds.

190.—(1) The treasurer shall within forty-two days after the thirty-first day of March in each year if during

Returns as to sinking funds.

A.D. 1921. the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Minister of Health may require such a return to be made transmit to the Minister a return in such form as may be prescribed by the Minister and if required by the Minister 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 Minister 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 Minister 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 Minister out of the High Court.

(2) If it appears to the Minister 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 Minister 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 Minister 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 Minister out of the High Court.

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191.—(1) Every deed of transfer of any mortgage of the Corporation shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

Provisions
as to trans-
fers of
mortgages.

(2) The deed of transfer when duly executed and stamped shall be delivered to and kept by the Corporation and the Corporation shall enter a memorial thereof in the appropriate register of the Corporation and shall endorse a notice of that entry on the deed of transfer and also on the transferred mortgage.

(3) Until the deed of transfer has been so delivered to the Corporation the Corporation shall not be affected thereby and the transferee of the mortgage shall not be entitled to receive any interest thereon or to repayment thereof.

(4) The Corporation before allowing any transfer of any mortgage may if the circumstances of the case appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(5) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation may require.

(6) It shall not be obligatory on the Corporation or the town clerk to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any mortgage except upon the production to and temporary deposit with the town clerk of the mortgage for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new mortgage and in the case of the issue of a new mortgage for the purpose of cancellation of the mortgage so deposited.

192. 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 a loan 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

Corporation
not to re-
gard trusts.

A.D. 1921. 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.

Scheme for
fixing
equated
periods.

193.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Minister of Health who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister of Health may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister of Health separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

194. The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in addition to the auditors appointed under the Municipal Corporations Acts.

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Paid
auditors.

195. From and after the passing of this Act the treasurer shall make to the Ministry of Health any return in relation to any loans fund or sinking fund or instalments which by the former Acts or any of them or by any public Act the town clerk is required to make and any provision relating to the making of such return in any such Act shall be read and have effect as if the treasurer were mentioned therein in lieu of the town clerk.

Treasurer
instead of
town clerk
to make
annual
returns to
Ministry of
Health.

196.—(1) The Corporation shall apply all money received by them—

Revenues
and defi-
ciencies in
respect of
water and
markets
under-
takings.

(A) on account of the revenue of the water under-
taking; or

(B) on account of the revenue of their markets
undertaking;

in the manner and in the order following (that is to say):—

First In payment of the working and establish-
ment expenses and cost of maintenance of the
undertaking in respect of which it is received :

Secondly In payment of the interest on moneys
borrowed by the Corporation for the purposes of
such undertaking :

Thirdly In providing the requisite appropriations
instalments or sinking fund payments in respect
of moneys borrowed for the purposes of such
undertaking :

Fourthly In extending and improving (if the Cor-
poration think fit) any works for the purposes of
such undertaking :

Fifthly In providing a reserve fund (if the Corpora-
tion think fit) by setting aside such money as they
think reasonable and investing the same and the
resulting income thereof in statutory securities and
accumulating the same at compound interest until
the fund so formed amounts in the case of the

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water undertaking to twenty thousand pounds and in the case of the markets undertaking to two thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of such undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum :

And the Corporation shall carry to the district fund so much of any balance remaining in any year of the revenue of any of the said undertakings ~~(including the amount on the reserve fund~~ when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the water undertaking or of the markets undertaking shall be made good out of the district fund and the next general district rate to be made by the Corporation shall be increased so far as may be necessary to raise money to recoup to the district fund the amount so defrayed out of that fund.

(3) Section 31 (Application of receipts) of the Act of 1878 is hereby repealed.

Power to
create acci-
dent fund.

197. The Corporation may if they think fit form a fund to be called "the accident fund" to provide for meeting claims upon them under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident whether to their officers servants and

workmen or third parties occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sums shall be invested at compound interest in or upon any statutory security but when the fund shall amount to the sum of ten thousand pounds the Corporation may if they think fit discontinue such yearly appropriation but so that if the fund is at any time reduced the Corporation shall recommence and continue the yearly appropriation until the fund be restored to the sum of ten thousand pounds Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the same shall not then have reached or shall have been reduced below the said sum of ten thousand pounds.

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PART XIX.

MISCELLANEOUS.

198.—(1) The Corporation may with the consent of the owner of any building wall or bridge attach to that structure such brackets wires lamps and apparatus as may be required for lighting any street :

Attachment
of brackets
and wires to
buildings.

Provided that—

- (A) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction 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 in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid :
- (B) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be required

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to 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 court of summary jurisdiction shall have the same powers as under the first proviso to this section :

- (c) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

(2) For the purposes of this section any occupier of a structure whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

Preventing nuisance caused by emission of grit from chimneys.

199. The provisions of section 91 of the Public Health Act 1875 shall extend to and be applicable in respect of the emission from any chimney of any grit or gritty particles as if such grit or gritty particles were smoke arising from furnaces.

For protection of Great Northern Railway Company.

200. The following provisions for the protection of the Great Northern Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect :—

- (1) Whenever the Corporation shall require under the powers of Parts II. or IV. of this Act to construct lay down place repair alter or remove any mains pipes culverts or apparatus upon across under or so as to affect any railway for the time belonging to or worked by the Company or the stations bridges roads approaches or other works thereof they shall give to the engineer of the company twenty-eight days' notice in writing of their intention to carry out any such works :
- (2) Such works including the making good and repairing of any roads over any such railway and over any bridges and approaches and any roads giving access to their stations which the company may be liable to maintain and which

may be disturbed or interfered with by or owing to any operations of the Corporation shall be constructed and executed with all reasonable despatch at the expense of the Corporation under the superintendence (if given) and to the reasonable satisfaction of the said engineer and at such times and in such manner as he shall reasonably direct and (except in cases of emergency) according to plans and sections to be previously submitted to and reasonably approved by him and so as not to interfere with the structure of any such bridge or to cause any avoidable injury to any such railway road station approach or other work or to cause any greater interruption of the passage or conduct of the traffic over such road or railway or to or from such station than shall be absolutely necessary Provided that if the said engineer shall not within twenty-one days after the submission to him of the said plans and sections have intimated in writing to the Corporation any objection thereto he shall be deemed to have approved thereof Any mains and pipes which shall cross any railway of the company otherwise than by means of a bridge shall be carried under such railway in a pipe or culvert of sufficient dimensions to admit of such mains and pipes being relaid or repaired without interference with such railway and the top of any such pipe or culvert shall in no case be nearer the bottom of the rails of the said railway than three feet :

- (3) When the Corporation under the powers of Parts II. or IV. of this Act open break up or interfere with any road or the pavement or other work thereof belonging to or repairable by the company they shall reinstate and make good such road pavement or work and shall keep the same in good repair for three months after reinstatement and for such further time if any not exceeding twelve months in the whole as there may be any subsidence of such road or pavement :
- (4) If the Corporation fail to complete with reasonable despatch any of such works as aforesaid

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including the reinstatement and making good of any road pavement or work or neglect to keep the same in repair as aforesaid the company after giving notice in writing to the Corporation may cause the work so delayed or omitted to be executed and the reasonable expense of executing the same shall be repaid to them by the Corporation :

- (5) The Corporation shall repay to the company the expense of any temporary works or watching which the company may reasonably incur in order to provide for the protection of any such railway or road or traffic thereon during and with reference to the carrying out of the works aforesaid :
- (6) If at any time the company require to carry out any alterations widenings or extensions of their railway or works or any road diversions in connexion therewith the Corporation shall on receiving reasonable notice from the company so to do at their own cost with all reasonable dispatch make such alterations or extensions of any such mains pipes or culverts within the property of the company as existing at the date of the laying of such mains pipes or culverts as may be necessary to enable the company to carry out such alterations widenings extensions or diversions and the provisions of this section shall apply to the said mains pipes or culverts as altered or extended :
- (7) If the company give to the Corporation notice that they themselves desire to construct or carry out so much of the works hereinbefore mentioned or so much of the said alterations or extensions of such mains pipes or culverts as will affect any railway or work belonging to them the company may themselves execute such works alterations and extensions and recover the reasonable cost thereof from the Corporation Provided that the actual laying in the trenches and the jointing of any mains or pipes of the Corporation shall be executed by the Corporation if the Corporation's engineer so desires :

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- (8) If owing to or by reason of the exercise of any of the powers of Parts II. or IV. of this Act any injury shall arise to any such railway station bridge road approach or other work thereof or extra expense shall be incurred by the company on account of the maintenance of any such railway station bridge road approach or other work the Corporation shall make compensation in respect thereof to the company and in the event of any dispute as to the amount of such compensation the same shall be determined by arbitration in manner hereinafter provided :
- (9) Any difference which may arise between the Corporation and the company under the foregoing provisions of this section 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 :
- (10) The provisions of the section of this Act of which the marginal note is " Power to lay electric mains in streets not repairable by the inhabitants at large " shall not apply to any street belonging to or forming the approach to any station or depôt of the company except with the consent of the company nor shall the Corporation in carrying out any works under the said provisions unreasonably obstruct or interfere with the convenient access to any such street :
- (11) No such substations transforming stations or other works as are referred to in the section of this Act of which the marginal note is " Power to construct electrical substations under streets " shall be constructed within a distance of twenty-five yards of the rails of the railway of the company except with the consent in writing of the company :
- (12) The provisions of Parts VI. and VII. of this Act shall not extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to the company

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in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by the company for the purposes of their undertaking with the authority of Parliament :

- (13) The provisions of the section of this Act of which the marginal note is "Restriction on erection of temporary stands &c." shall not apply to any stand or structure erected by the company in the exercise of their statutory powers :
- (14) The Corporation shall not provide or maintain any such bin or receptacle as is referred to in the section of this Act of which the marginal note is "Street orderly bins" in such a position as to interfere with or render less convenient the access to or exit from any station or depôt of the company :
- (15) The provisions of the section of this Act of which the marginal note is "As to repair of private drains" shall not apply to any drain constructed by or belonging to or which may hereafter be constructed by or belong to the company under their statutory powers and be used for the purposes of the undertaking of the company with the authority of Parliament but not being a drain connected with any dwelling-house :
- (16) For the purposes of the sections of this Act of which the marginal notes are respectively "Weight ticket or note on delivery of coke over two hundredweights" and "Power to require weighing or reweighing of coke and vehicles" the word "vehicle" shall not include a railway truck van wagon or cart :
- (17) The Corporation shall not under the provisions of the section of this Act of which the marginal note is "Attachment of brackets and wires to buildings" affix any bracket wire lamp or apparatus to any building wall or bridge belonging to the company without the previous approval in writing of the company :
- (18) The provisions of the section of this Act of which the marginal note is "Preventing nuisance

caused by emission of grit from chimneys ” shall not apply to any locomotive steam engine used on the railway of the company.

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201.—(1) Any person or persons intending to organise or form a procession in or through the streets of the borough for the purposes of holding a meeting show or entertainment (other than processions which are regularly held in or through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at their head police office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

Notice of processions to be given.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds.

202. In addition to any other powers exerciseable by them whether as the local education authority or otherwise the Corporation may expend on the provision of lectures on educational or other subjects such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds.

Power to expend money on lectures.

203. The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882 reasonable subscriptions (whether annual or otherwise) to the funds of any association of municipal corporations or of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation (not exceeding in any case four) at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings.

Power to Corporation to apply funds towards associations institutions &c.

204.—(1) The Corporation may if they think fit in cases not within the Workmen’s Compensation Act 1906 or the School Teachers’ (Superannuation) Act 1918 grant a gratuity of any sum (not exceeding two years’ pay)

Power to grant gratuities in certain cases.

A.D. 1921. to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or been paid if he had continued in his office or service.

As to
appoint-
ment of
inspectors
of nuisances.

205. The Corporation may appoint and pay as many inspectors of nuisances as may in their judgment be necessary for the proper execution of the provisions of the Public Health Act 1875 and of the local Acts in force in the borough. Provided that the powers of the Ministry of Health under section 191 of the Public Health Act 1875 and any regulations made by that Ministry under that section shall apply to any inspectors so appointed.

Power to
appoint
deputy
medical
officer of
health.

206.—(1) The Corporation may appoint as deputy medical officer of health and pay a person legally qualified for the practice of medicine surgery and midwifery to assist the medical officer in the proper execution of the provisions of the Public Health Acts and of this Act and any of the former Acts in force within the borough.

(2) In case of the illness or absence of the medical officer and at other times to such extent as the Corporation shall by resolution direct all things required or authorised to be done by or to the medical officer may be done by or to the deputy medical officer.

Corporation
may effect
insurances
of certain
officers and
servants.

207. The Corporation may insure against death or ill-health either as a class or individually all or any of their officers servants or employees who may be employed in or in connexion with hospitals for infectious disease or who may be liable to special risk to life or health in carrying out their duties in connexion with infectious diseases and may pay out of the fund to which the salary or wages of any such officer servant or employee so insured is chargeable the premiums or other payments in connexion with such insurances and upon the happening of the contingency insured against shall apply the proceeds of any such insurance for the benefit of the employee insured or if he shall have died for the benefit of his

dependants or if he have no dependants shall carry such proceeds to the credit of the fund out of which the premiums on the insurance were paid. A.D. 1921.

208. In and for the purposes of the sections of this Act of which the marginal notes respectively are "Power to grant gratuities in certain cases" and "Corporation may effect insurances of certain officers and servants" the respective expressions "officers or servants" and "officers servants or employees" shall include any teacher who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or 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 permanently and exclusively employed in any school college or hostel provided by the Corporation as the local education authority for the purposes of Part II. of the Education Act 1902. Teachers to be deemed officers or servants of Corporation for certain purposes.

209. The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary dispensary or other institution of a similar character such sum or sums as they may from time to time think fit not exceeding in any year the amount which would be produced by the levying of a consolidated rate of one penny in the pound and to charge the amount of any such subscriptions to or apportion the same among all or any of their funds and revenues. Power to Corporation to subscribe to hospitals &c.

210. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws in force with respect to hackney carriages and other public vehicles shall be as fully applicable in all respects to hackney carriages and other public vehicles standing or plying for hire at any railway station or railway premises within the borough as if such railway station or railway premises were a public stand for public vehicles or a street: Vehicles at railway stations.

Provided also that the provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway

A.D. 1921. — stations or railway premises or to the drivers or conductors of such vehicle :

Provided further 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 railway premises or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

As to breach of conditions of consent of Corporation.

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

Appeal to petty sessional court.

212.—(1) Any four inhabitant householders of the borough may appeal to a petty sessional court against any proposal of the Corporation as to an adjustment of the boundaries of a street under the section of this Act whereof the marginal note is “ Adjustment of boundaries of streets.”

(2) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under the section of this Act of which the marginal note is “ Combined drains ” or the amount to be borne and paid by him may appeal to a petty sessional court provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof.

(3) On any such appeal the petty sessional court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

As to appeals.

213. Any person deeming himself aggrieved by any condition order judgment determination prohibition apportionment or requirement or the withholding of any

certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessional court the Corporation may in like manner appeal.

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214. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered ~~as penalties but may be recovered summarily~~ as civil debts.

Recovery of penalties &c.

215. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act.

Confirmation of byelaws.

216. 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 any committee of the Corporation under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the Corporation or to prove any resolution or order of the Corporation or any resolution order or report of any committee of the Corporation a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be 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.

Evidence of appointments authority &c.

A.D. 1921.

Service of
summons
on members
of council.

217. Notwithstanding anything contained in the Second Schedule of the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage.

Judges not
disqualified.

218. A judge of any court or a justice shall not be disqualified from acting in the execution of the former Acts or this Act or in any proceedings with respect to the recovery of the consolidated rate or any other rate or otherwise by reason of being liable to such rate.

Informa-
tions by
whom to
be laid.

219. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Damages
and charges
to be settled
by court.

220. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Recovery of
demands.

221. 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.

Compensa-
tion how to
be deter-
mined.

222. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Powers of
Act cumu-
lative.

223. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies

conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. A.D. 1921.

224. 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. Saving for indictments &c.

225.—(1) Nothing in this Act contained authorises the Corporation— Saving rights of Secretary of State for War.

(A) to take enter upon use or interfere with—

(i) any land or soil for the time being vested in or in the occupation of His Majesty's Principal Secretary of State for the War Department (hereinafter called the "Secretary of State for War") or in or of any other person body or corporation acting for or on behalf of the Secretary of State for War; or

(ii) any water in upon or under any such land or soil; or

(iii) any right in respect of any such land soil or water exercised or exerciseable by the Secretary of State for War or by any such other person body or corporation as aforesaid without the consent of the Secretary of State for War signified in writing under his hand which consent the Secretary of State for War is authorised to give subject to such special or other conditions as he shall see fit to impose on the Corporation; or

B) To take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State

A.D. 1921;
—

for War (including any rights privileges or powers for the defence of the realm whether under any statute or regulation or otherwise) without such consent as aforesaid.

(2) This section shall take effect notwithstanding that any such land as in this section mentioned may be delineated in the deposited plans described in the deposited book of reference or mentioned in any schedule to this Act.

Crown
rights.

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

Costs of
Act.

227. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the borough fund and borough rate but ultimately out of money borrowed under the authority of this Act for that purpose.

[11 & 12 GEO. 5.] *Batley Corporation* [Ch. cxiii.]
Act, 1921.

The SCHEDULES referred to in the
 foregoing Act.

A.D. 1921.

THE FIRST SCHEDULE.

ACTS AND ORDERS RELATING TO THE BOROUGH.

Session and Chapter.	Description or Short Title.
24 & 25 Vict. c. xciv. -	The Dewsbury and Batley Gas Act 1861.
34 Vict. c. xl. -	The Batley Corporation Waterworks Act 1871.
36 & 37 Vict. c. clix. -	The Dewsbury and Batley Corporations (Gas) Act 1873.
41 Vict. c. xxvii. -	The Batley Corporation Waterworks Act 1878.
48 & 49 Vict. c. cvii. -	The Order relating to the borough of Batley scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1885.
53 & 54 Vict. c. lxxxii.	The Order relating to the borough of Batley scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1890.
59 & 60 Vict. c. cvi. -	The Oakwell Joint Hospital Order 1896 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1896.
59 & 60 Vict. c. cx. -	The Batley Order 1896 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 18) Act 1896.
61 Vict. c. xxxii. -	The Oakwell Joint Hospital Order 1898 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1898.
61 & 62 Vict. c. xxxix.	The Batley Electric Lighting Order 1898 scheduled to and confirmed by the Electric Lighting Orders Confirmation (No. 3) Act 1898.
62 & 63 Vict. c. cxlvii.	The Oakwell Joint Hospital Order 1899 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1899.
63 & 64 Vict. c. cc. -	The Batley Corporation Tramways Order 1900 scheduled to and confirmed by the Tramways Orders Confirmation (No. 3) Act 1900.

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Session and Chapter.	Description or Short Title.
3 Edw. 7. c. clxxxiv. -	The Dewsbury Batley and Birstal Tramways Act 1903.
9 Edw. 7. c. clxii. -	The Batley (Extension) Order 1909 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1909.
9 Edw. 7. c. cxxiii. -	The Oakwell Joint Hospital Order 1909 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1909.
8 & 9 Geo. 5. c. xxxiii.	The Batley Order 1918 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1918.

Section 53.

THE SECOND SCHEDULE.

DESCRIPTION OF PROPERTIES OF WHICH PORTIONS
ONLY MAY BE ACQUIRED BY THE CORPORATION.

Urban District.	Number on deposited Plans.
Hólme.	20 22
Hólmfirrh.	30

Section 184.

THE THIRD SCHEDULE.

FORM OF MORTGAGE.

BOROUGH OF BATLEY.

By virtue of the Batley Corporation Act 1921 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Batley (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough

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by _____ (hereinafter referred to as
"the mortgagee") do hereby grant and assign unto the mort-
gagee (his) executors administrators and assigns such proportion
of the revenues of the Corporation in the said Act defined as the
principal sum 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 principal sum 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 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 principal sum shall be repaid at the town
hall in the said borough (subject as hereinafter provided) on
the _____ day of _____ one thousand nine
hundred and _____ :

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
between the Corporation and the mortgagee and mentioned in
an endorsement to be made hereon under the hand of the mayor
or the town clerk of the borough for the time being and that
upon any such endorsement being made whether relating to
extension of time only or to extension of time with alteration of
rate of interest the provisions thereof shall be incorporated
herewith and shall operate and take effect as though they had
been originally inserted herein.

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

Town Clerk.

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 _____

A.D. 1921.

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 borough
 of Batley bearing date the day of)
 and all my right and interest under the same subject to the
 several conditions on which I hold the same at the time of the
 execution hereof and I the transferee for myself my executors
 administrators and assigns do hereby agree to take the said
 mortgage security subject to the same conditions.

Dated this day of one
 thousand nine hundred and

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