



CHAPTER c.

An Act to authorise the mayor aldermen and citizens of the city of Nottingham and county of the same city to construct street works tramways and waterworks to increase tramway and water charges to extend the area of supply for electricity purposes to provide for the discontinuance of burials in the Nottingham General Cemetery to confer further powers with regard to streets and buildings and the health and good government of the city and for other purposes.

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[2nd August 1923.]

WHEREAS the city of Nottingham and county of the same city (in this Act called "the city") is under the municipal and local government of the mayor aldermen and citizens of the city and county (in this Act referred to as "the Corporation"):

And whereas it is expedient that the Corporation should be empowered to make and maintain the street works referred to in this Act:

And whereas it is expedient to empower the Corporation to construct and work the additional tramways described in this Act and to alter the Corporation's powers with regard to the appointment of tramway stages:

And whereas it is expedient to confer power on the Corporation to construct and maintain the further waterworks described in this Act and to increase the rates

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A.D. 1923. and charges to be demanded and taken by them for the
 — supply of water :

And whereas it is expedient to extend the area of the Corporation for the supply of electricity as by this Act provided :

And whereas it is expedient that burials in the Nottingham General Cemetery should be discontinued as by this Act provided :

And whereas it is expedient that the powers of the Corporation with regard to streets buildings sewers drains the prevention of disease and sanitary matters slaughter-houses and slaughtering parks and recreation grounds and the good government of the city should be extended as by this Act provided :

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

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(a) For the purchase of lands for and the construction of the street works authorised by this Act - - -	408,470
(b) For and in connection with the construction of the tramways authorised by this Act - - - - -	41,500
(c) For the electrical equipment of such tramways - - - - -	6,500
(d) For the purchase of lands for and the construction of Waterworks Nos. 2 and 3 authorised by this Act - -	30,790
(e) For the construction of Waterwork No. 1 by this Act authorised - -	2,610
(f) For mains wires and apparatus in connection with the supply of electricity	74,500

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

And whereas 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 Minister of Health has been obtained: A.D. 1923.

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the county of Nottingham and for the county of the city of Nottingham respectively and are in this Act respectively referred to as the deposited plans sections and book of reference:

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 Nottingham Corporation Act 1923. Short title.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Street works.

Part IV.—Tramways.

Part V.—Water.

Part VI.—Electricity.

Part VII.—Closing of Nottingham General Cemetery.

Part VIII.—Streets buildings sewers and drains.

Part IX.—Infectious disease and sanitary matters.

Part X.—Slaughter-houses and markets.

Part XI.—Parks and recreation grounds.

Part XII.—Financial and miscellaneous provisions.

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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 exceptions and modifications—

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

(a) the words in section 19 of that Act “ but
“ nothing in this Act contained shall authorise
“ any local authority to place or run carriages
“ upon such tramway and to demand and
“ take tolls and charges in respect of the use
“ of such carriages ” shall not apply to the Corporation:

(3) 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 of the Waterworks Clauses Act 1847;

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

(4) Sections 13 to 21 of the Waterworks Clauses Act 1863:

(5) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as amended

by the Electricity (Supply) Acts 1909 to 1922 A.D. 1923.
but the words "special Order" where they
occur in the said Act of 1899 shall mean this
Act.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpre-
tation of
terms.

(2) In this Act unless the subject or context otherwise requires—

The expressions "the Corporation" "the city" "the town clerk" "the medical officer" "the district fund" and "the general district rate" have the meanings assigned to them respectively by section 3 (Interpretation) of the Act of 1905;

"The council" means the council of the city;

"The mayor" means the mayor of the city;

"The parish" means the parish of Nottingham;

The expressions "the surveyor" and "the sanitary inspector" mean respectively the engineer and surveyor and any sanitary inspector of the city and respectively include any person duly authorised to discharge temporarily the duties of those offices;

"The Act of 1845" "the Order of 1877" "the Act of 1879" "the Act of 1897" "the Act of 1899" "the Act of 1902" "the Act of 1905" "the Act of 1910" "the Act of 1913" "the Act of 1920" and "the Order of 1890" mean respectively the Act 8 and 9 Victoria chapter 19 the Nottingham and District Tramways Order 1877 the Nottingham Improvement Act 1879 the Nottingham Improvement Act 1897 the Nottingham Corporation Act 1899 the Nottingham Corporation Act 1902 the Nottingham Corporation Act 1905 the Nottingham Corporation Act 1910 the Nottingham Corporation Act 1913 the Nottingham Corporation Act 1920 and the Nottingham Electric Lighting Order 1890;

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- “The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;
- “Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;
- “The electricity limits” means the area within which the Corporation are authorised by this or any former Act or Order to supply electricity;
- “Telegraphic line” has the same meaning as in the Telegraph Act 1878;
- “The Power Company” means the Derbyshire and Nottinghamshire Electric Power Company;
- “Hackney carriage” has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus as defined in the Town Police Clauses Act 1889.

PART II.

LANDS.

Acquisition
of lands.

5. Subject to the provisions of this Act the Corporation may enter upon take and use for and in connection with the purposes of this Act and (in the case of the making widening or improving of any street or road) for providing space for the erection of buildings adjoining

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or near to such street or road all or any part of the lands delineated on the deposited plans and described in the deposited book of reference. A.D. 1923.

6. The powers of the Corporation for the compulsory purchase of lands for the purposes of Part V. (Water) of this Act shall cease after the expiration of three years from the passing of this Act and for the purposes of Part III. (Street works) of this Act shall cease after the expiration of five years from the passing of this Act. Period for compulsory purchase of lands.

7. The Corporation shall within six months after the passing of this Act serve on the owners of and all other parties interested in the properties numbered on the deposited plans 833 and 836 in the city of Nottingham notices to treat for the acquisition of the whole of the interests of those owners and other parties in the said properties and in the event of such notices to treat being not so served the powers for the acquisition of such properties contained in this Act shall cease and determine. As to certain Smithy Row properties.

8. Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not unless otherwise agreed in writing between them and Louis Frederick Pearson (in this section called "the owner") acquire or take any part of the premises of the owner known as "Lenton Grove" in the city other than that coloured pink on the plan signed in duplicate by A. N. Bromley on behalf of the owner and by Thomas Wallis Gordon on behalf of the Corporation. For protection of Louis Frederick Pearson.

9. The following sections of the Acts of 1897 1905 and 1910 are incorporated with this Act and shall extend and apply in regard to the works and lands authorised to be executed and taken under this Part and Part III. (Street works) Part IV. (Tramways) and Part V. (Water) of this Act as if those sections with the necessary modifications were set forth in this Act (namely):— Incorporation of sections from Acts of 1897 1905 and 1910.

Act of 1897—

- Section 6 (Correction of errors &c. in deposited plans and book of reference);
- Section 8 (Persons under disability may grant easements &c.);
- Section 12 (Power to retain sell &c. lands);
- Section 13 (Proceeds of sale of surplus lands):

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Act of 1905—

Section 39 (Owners may be required to sell parts only of certain lands and buildings):

Act of 1910—

Section 17 (Provisions as to compensation);

Section 19 (Power to purchase additional lands by agreement):

Provided that in the application of section 39 of the Act of 1905 that section shall be read and have effect as if the property described in the First Schedule to this Act were therein referred to instead of the properties mentioned in the schedule to the Act of 1905 and as if the tribunal referred to in the said section were the tribunal as defined by the section of this Act of which the marginal note is " Interpretation of terms " :

Provided also that in the application of section 17 of the Act of 1910 that section shall be read and have effect as if the twentieth day of November nineteen hundred and twenty-two were therein referred to instead of the first day of January nineteen hundred and ten.

Appropriation of part of street forming part of Great Market Place:

10. The Corporation may appropriate for building purposes the site of the part of the roadway and footway in the Great Market Place numbered 845 in the city on the deposited plans and as from the date of such appropriation the Corporation may stop up the said part of the said roadway and thereupon all public rights of way over the said street shall be extinguished and on the stopping up thereof the site and soil thereof shall vest in the Corporation :

Provided that notwithstanding the stopping up of the said part of the Great Market Place the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said street or the said part thereof any telegraphic line of the Postmaster-General on or under the same and the Corporation shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other place as the Postmaster-General may require.

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11.—(1) Notwithstanding anything in any other Act or Acts to the contrary the Corporation may retain hold and manage for such time as they may think fit or may (subject to any restrictive covenant affecting the same) 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 Act for the time being in force in the city (other than the Housing Acts 1890 to 1919) or held by them in any capacity 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.

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Power to
retain sell
&c. lands.

(2) Provided that nothing in this section shall be taken to dispense with the necessity for obtaining the approval of any Government department to any alienation sale lease or other disposition of any lands acquired or held by them under any Act for which such approval would be required but for the provisions of this section.

(3) Any capital moneys received by the Corporation on the re-sale 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.

12. The Corporation may lease or agree to lease corporate land for any term not exceeding ninety-nine years subject to the conditions contained in subsection (2) (b) of section 108 of the Municipal Corporations Act 1882 and the provisions of that subsection shall apply to the Corporation as if the period of ninety-nine years were therein mentioned instead of seventy-five years.

Leases of
corporate
land.

13.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation

Further
powers for
acquisition
of land.

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A.D. 1923. — should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the city and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any moneys so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

(2) The Corporation may enter into contracts for the purposes of this section and may pay any sum payable under the contract and for that purpose may borrow money temporarily from their bankers for a period not exceeding twelve months.

(3) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the district fund and general district rate :

Provided that nothing in this subsection shall authorise the Corporation—

- (a) to create or permit any nuisance on any lands so appropriated;
- (b) to appropriate such lands to any purposes other than purposes for which and subject to the conditions under which they are for the time being authorised to acquire and use lands.

(4) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

- (a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not

in substitution for any other mode of extinguish-
ment of such loan except to such extent and
upon such terms as may be approved by the
Minister of Health; or

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(b) in such other manner as may be approved by
the Minister of Health.

PART III.

STREET WORKS.

14. Subject to the provisions of this Act the Cor-
poration may make and maintain in the lines and
according to the levels shown on the deposited plans
and sections the street works in the city hereinafter
mentioned together with all necessary approaches
junctions abutments embankments arches steps sewers
drains culverts works and conveniences connected
therewith or incidental thereto.

Power to
make street
works.

The street works hereinbefore referred to and
authorised by this section are—

Street Work No. 1 A widening of Millstone Lane
on the north-east side;

Street Work No. 1A A widening of Millstone Lane
on the south-west side;

Street Work No. 2 A widening of Cross Street on
the south-west side;

Street Work No. 3 A new street commencing in
St. John's Street and terminating at the junction
of Gedling Street and Hockley;

Street Work No. 4 A widening of Hockley on the
north side and of Gedling Street on the north-
west side;

Street Work No. 5 A widening of Sneinton Street
on the south-west side;

Street Work No. 6 A new street from London Road
to Fisher Gate;

Street Work No. 7 A widening of Goose Gate on
the south side;

Street Work No. 8 A widening of Lenton Road on
the north side;

Street Work No. 9 A widening of Talbot Street on
the north side;

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Street Work No. 10 A widening of Beeston Lane on the south-west and north-west sides;

Street Work No. 11 A new street from Gregory Street to Castle Boulevard;

Street Work No. 12 A diversion of Hungerton Street between points respectively 78 feet or thereabouts north-west and 36 feet or thereabouts south-east of the intersection of the centre lines of Broadholme Street and Hungerton Street;

Street Work No. 13 A diversion of Broadholme Street commencing on the north-east side of Hungerton Street at a point 45 feet or thereabouts north-west of the intersection of the centre lines of Broadholme Street and Hungerton Street and terminating in Broadholme Street at a point 104 feet or thereabouts north-east of the said point of intersection;

Street Work No. 14 A widening of Nottingham Road on the north-east side;

Street Work No. 15 A widening of Smithy Row;

Street Work No. 16 A widening of High Street on the west side.

Limits of deviation.

15. In the construction of the works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding two feet either upwards or downwards.

For protection of London Midland and Scottish Railway Company.

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

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not enter upon take use purchase or acquire any lands or property of the company but the Corporation may purchase and take and the company shall sell and grant accordingly an easement or right of using so much of the lands of the company as may be

necessary for the construction maintenance and use of Street Work No. 11 and Tramway No. 4 by this Act authorised:

- (2) All works of construction maintenance renewal or alteration executed under the powers of this Act which in any way affect the railways works or property of the company shall except in cases of emergency be executed under the superintendence (if given) and to the reasonable satisfaction of the chief engineer of the company according to plans sections and specifications previously submitted to and reasonably approved by him Provided that if the same shall not be disapproved within one month after they shall have been submitted to him he shall be deemed to have approved the same:
- (3) 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 the said street work the company may themselves execute such part of such works in accordance with the deposited plans and sections or in accordance with subsection (4) of this section and recover the reasonable cost thereof from the Corporation:
- (4) If and when the company shall have obtained power to construct two or four additional lines of railway from their Lenton North Junction to Sherwin Road the Corporation shall at their own expense construct an additional span carrying Street Work No. 11 by this Act authorised over each pair of such additional lines of railway but notwithstanding anything shown on the deposited plans and sections the Corporation may in the first instance if they so desire carry the said street work over the existing railway and the adjoining land of the company by means of a bridge of one two or of three spans Each of such spans shall be not less than twenty-eight feet measured at right angles to the existing rails and shall provide a clear headway of fifteen feet above the level of the upper surface of the said existing rails:

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- (5) The Corporation shall on demand repay to the company the reasonable expense of the employment by the company during the execution of such works as aforesaid of a sufficient number of inspectors and watchmen to be appointed by the company for watching their railway with reference thereto and for preventing as far as may be any interference obstruction danger or accident from the operations acts or defaults of the Corporation or their contractors or of any person in the employ of either of them :
- (6) If by reason of the execution or failure of any of such works the railway works or property of the company shall be damaged or any person or persons using the same shall be injured or any interruption shall be caused to the traffic on such railway the Corporation shall make full compensation to the company in respect of such damage injury or interruption and shall effectually indemnify and hold harmless the company from all claims and demands upon or against them in respect thereof :
- (7) If by reason of the execution of any of such works it shall be necessary to add to or alter any signals telegraphs or electrical lines or any works in connection therewith existing upon the railway at the date of the commencement of the execution of such works the company may so add to or alter the same and the reasonable cost of such addition or alteration and the reasonable additional cost of the maintenance thereof shall be repaid to the company by the Corporation :
- (8) The Corporation shall at their own cost at all times maintain the said bridge 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 reasonable expense thereof shall be repaid to the company by the Corporation :

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(9) If any subsidence shall occur by which the level of the said bridge shall be lowered so that the headway prescribed by this section be not maintained the Corporation shall at their own cost when called upon by the company to do so raise or lift the said bridge to the height above ordnance datum at which such bridge was originally constructed under the provisions of this Act: A.D. 1923.

(10) 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.

17. The following sections of the Act of 1920 are incorporated with this Act and shall extend and apply with regard to the street works authorised by this Part of this Act as if those sections with the necessary modifications were set forth in this Act and particularly as if the deposited plans referred to in those sections or some of them were the deposited plans (namely):— Incorporation of sections from Act of 1920.

- Section 32 Subsidiary works;
- Section 33 Power to alter steps pipes areas &c;
- Section 34 Temporary stoppage of streets.

18.—(1) If and when the Corporation shall acquire the part of the Basford Cemetery in the city shown on the deposited plans for the purposes of this Part of this Act they shall before applying or using any part of such cemetery for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in the said part of the said cemetery so to be acquired. Removal of human remains.

(2) Before proceeding to remove any such remains the Corporation shall publish a notice for three successive days in two local newspapers circulating in the city to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir

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— person whose remains are interred in the said cemetery
may give notice in writing to the Corporation of his
intention to undertake the removal of such remains and
thereupon he shall be at liberty to cause such remains
to be removed to and re-interred in any burial ground
or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner in the case of the consecrated portion of the said cemetery by the registrar of the consistory court of the diocese of Southwell and in the case of the unconsecrated portion by the registrar of the Nottingham county court who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section the Corporation may remove the remains of the deceased person and cause them to be re-interred in a burial ground or cemetery in which burials may legally take place and which the Corporation think suitable for the purpose.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the city as in the case of the consecrated portion of the said cemetery the bishop of the diocese of Southwell and in the case of the unconsecrated portion the registrar of the Nottingham county court may direct on the application (if any) of such heir executor administrator or relative as aforesaid

or failing such application on the application of the Corporation and the Corporation shall cause to be made a record of such monuments and tombstones and their situation when re-erected showing the particulars respecting each monument or tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General. A.D. 1923.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer.

(9) In the application of this section to the consecrated portion of the said cemetery the following provisions in addition to or (where necessary) instead of the foregoing provisions shall apply:—

- (a) The said remains may be removed without any faculty for the purpose but such removal shall be subject to any regulations made by the bishop of the diocese of Southwell;
- (b) The burial ground or cemetery in which the said remains are re-interred shall be a consecrated one and if the said remains are re-interred by the Corporation the burial ground or cemetery shall be one approved by the said bishop.

PART IV.

TRAMWAYS.

19.—(1) The Corporation may subject to the provisions of this Act construct maintain use and work in accordance with the deposited plans and sections the tramways in the city hereinafter described with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places posts poles brackets wires stables carriage-houses engine-houses sheds buildings works and conveniences connected therewith: Construction of tramways.

Provided that nothing in this Part of this Act or in any Act wholly or in part incorporated therewith shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 (Power

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A.D. 1923. of undertakers to alter position of wires and pipes) of
— the Electric Lighting Act 1882 apply except in accordance
with and subject to the provisions of that section.

(2) The tramways hereinbefore referred to and
authorised by this section are—

Tramway No. 1 (Double line 4 furlongs 6·85
chains in length) commencing in Lower Parlia-
ment Street by a junction with an existing tram-
way of the Corporation thence proceeding in an
easterly and south-easterly direction along Street
Work No. 3 authorised by this Act Sneinton
Street Carter Gate and Street Work No. 6
authorised by this Act to and terminating
in London Road by a junction with an existing
tramway of the Corporation;

Tramway No. 2 (Double line 7·80 chains in length)
commencing in Carter Gate by a junction with
Tramway No. 1 authorised by this Act thence
proceeding in a north-easterly direction into along
and terminating in Southwell Road by a junction
with an existing tramway of the Corporation;

Tramway No. 2A (Double line 2·80 chains in
length) commencing in Sneinton Street by a
junction with Tramway No. 1 authorised by
this Act thence proceeding in a south-easterly
and north-easterly direction to and terminating
in Southwell Road by a junction with Tramway
No. 2 authorised by this Act;

Tramway No. 2B. (Double line 1·63 chains in
length) commencing in Southwell Road by a
junction with Tramway No. 2 authorised by this
Act thence proceeding in an easterly direction to
and terminating in Manvers Street by a junction
with an existing tramway of the Corporation;

Tramway No. 3 (Double line 1·42 chains in length)
commencing in Fisher Gate by a junction with
an existing tramway of the Corporation and
terminating in Street Work No. 6 authorised
by this Act by a junction with Tramway No. 1
authorised by this Act;

Tramway No. 4 (Double line 3 furlongs 1·10
chains in length) commencing in Abbey Street by
a junction with Tramway No. 1 authorised by

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the Nottingham Corporation Act 1920 thence A.D. 1923.
proceeding in a north-easterly direction along
Street Work No. 11 authorised by this Act to
and terminating in Castle Boulevard by a junction
with an existing tramway of the Corporation.

(3) Provided that in the case of any of the above-mentioned tramways which is to be constructed upon any new street authorised by this Act such tramway shall not be opened for traffic until the new street upon which it is to be constructed has been completed.

20. The tramways authorised by this Act (other than Tramway No. 4) shall be completed within five years after the construction of Street Works Nos. 3 5 and 6 authorised by this Act has been completed and Tramway No. 4 shall be completed within five years after the construction of Street Works Nos. 11 12 and 13 has been completed and on the expiration of those periods respectively the powers granted by this Act to the Corporation for constructing such tramways respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of tramways.

21.—(1) The tramways authorised by this Act and the works connected therewith shall for all purposes form part of the tramway undertaking of the Corporation and the provisions of the Order and Acts hereinafter mentioned and of the enactments incorporated therewith respectively and any byelaws and regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to the said tramways and works as if they had formed part of the tramways and works authorised by the said Acts. Tramways to form part of tramway undertaking of Corporation.

(2) The Order and Acts hereinbefore referred to are—

The Nottingham and District Tramways Order 1877;

The Nottingham Improvement Act 1897;

The Nottingham Corporation Act 1899;

The Nottingham Corporation Act 1900;

The Nottingham Corporation Act 1902;

The Nottingham Corporation Act 1905;

The Nottingham Corporation Act 1910;

The Nottingham Corporation Act 1913; and

The Nottingham Corporation Act 1920:

may require to use the same but nothing herein contained shall enable the Corporation to use the said lands for any purpose which may be or become offensive or a nuisance to the immediate neighbourhood. A.D. 1923.

24. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking. Accounts to be furnished to Minister of Transport.

PART V.

WATER.

25.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works in the city and in the county of Nottingham (that is to say):— Power to make water-works.

Waterwork No. 1 A line or lines of pipes commencing in the city in Colwick Road and terminating at the service reservoir Waterwork No. 3 authorised by this Act in the parish of Colwick in the rural district of Basford in the county of Nottingham in the field numbered 41 on the ²⁵⁰⁰ Ordnance map of the said parish edition 1914 sheet No. XLII.-3;

Waterwork No. 2 A road commencing at the eastern end of Sneinton Boulevard in the city and crossing the railway bridge of the Great Northern Railway (Nottingham and Suburban line) and terminating in the said Waterwork No. 3 in the said parish of Colwick;

Waterwork No. 3 A service reservoir wholly situate in the said parish of Colwick in the said field numbered 41 and fields numbered 42 and 75A on the said sheet of the said Ordnance map.

(2) 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 connection with or subsidiary to the before-mentioned works or any of them but nothing in this subsection shall

A.D. 1923. — exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

For protec-
tion of
London and
North East-
ern Railway
Company.

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

- (1) The expression "railway property" where used in this section shall include any land railway siding bridge work or convenience belonging or leased to or worked by the company:
- (2) Notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not except as in this section provided enter upon take hold or use any railway property:
- (3) The Corporation may purchase and take and if required so to do the company shall sell and grant according to their estate and interest in and subject to all easements rights and covenants affecting railway property an easement or right of constructing and maintaining Waterwork No. 1 and Waterwork No. 2 by this Act authorised in upon or over railway property in accordance with the provisions of this Act;
The said easement or right so far as regards the bridge over the railway of the company at the eastern end of Sneinton Boulevard in the city shall be limited to a right of constructing and maintaining a private road not exceeding twenty feet in width on the north side of the said bridge together with a line or lines of pipes therein:
- (4) The consideration to be paid for any easement or right to be acquired by the Corporation under the last preceding subsection shall in case of dispute be determined in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement:
- (5) Waterwork No. 1 and Waterwork No. 2 by this Act authorised and all works connected therewith where the same will be constructed on or

over the said bridge or will otherwise affect railway property shall be constructed and maintained so as not to interfere with the structure of the said bridge and in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the engineer of the company (in this section called "the engineer") and all such works shall be constructed and repaired in such manner and at such times as shall be previously reasonably approved by the engineer and under his superintendence and to his reasonable satisfaction. The Corporation shall give to the engineer not less than twenty-eight days' notice in writing (except in cases of emergency when the longest practicable notice shall be given) before commencing to execute any works of construction or repair over or affecting railway property:

- (6) If the company shall at any time require to reconstruct or alter the said bridge the Corporation shall give to the company all proper and reasonable facilities for that purpose and any additional cost which the company may reasonably be put to or incur in such reconstruction or alteration by reason of the existence of Waterwork No. 1 and Waterwork No. 2 on or in the said bridge shall be from time to time repaid to the company by the Corporation:
- (7) If owing to or by reason of the execution user or failure of the said works of the Corporation or any act or omission of the Corporation or of their agents or any person in the employment of the Corporation or their agents any railway or work belonging or leased to or worked by the company shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do the company may make good the same and the reasonable expense thereof shall be repaid to the company by the Corporation on demand and the Corporation shall indemnify the company against all losses which the company may sustain and shall pay all costs charges and expenses which the company may be reasonably put to or incur

A D. 1923.
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owing to or by reason of the execution user or failure of any of the said works of the Corporation or any act or omission of the Corporation or their agents or any person in the employment of the Corporation or their agents :

- (8) The Corporation shall from time to time repay to the company any additional cost reasonably incurred by the company in the maintenance and repair of the said bridge or of the bridge as reconstructed or altered under subsection (6) of this section by reason of the existence of Waterwork No. 1 and Waterwork No. 2 on or in the said bridge :
- (9) If any difference shall arise between the Corporation and the company under subsections (5) (6) (7) and (8) of this section or as to whether any consent of the Company required under Parts V. (Water) or VI. (Electricity) of this Act is or is not unreasonably withheld the same 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 after notice to the other and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (10) Nothing in this Act shall prevent the removal by the company of any part of the said bridge except the portion thereof twenty feet in width referred to in subsection (3) of this section.

Power to deviate.

27.—(1) In the construction of the works authorised by this Part of this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

(2) Provided that except for the purposes of crossing over a stream or railway no part of the line or lines of pipes authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

28.—(1) If the works authorised by this Part of this Act and shown on the deposited plans and sections or any part or parts thereof are not completed within seven years from the thirty-first day of December nineteen hundred and twenty-three then on the expiration of that period the powers granted by this Act for making those works shall cease as to such of them or so much thereof respectively as are not then completed.

A.D. 1923
—
Period for completion of water-works.

(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of the works and lay down additional lines of pipes as and when occasion may require.

29.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir well adit aqueduct line of pipes or other work of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch.

Discharge of water into streams.

(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 reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Act 1889.

(3) The powers of this section shall not be exercised so as to damage or affect the railways or works of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company.

30. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the line or lines of pipes authorised by this Act.

Application of Waterworks Clauses Act 1847 to works authorised by this Act.

31. Subject to the provisions of this Act the water-works to be constructed by the Corporation under the authority of this Act shall for all purposes be deemed to be part of the water undertaking of the Corporation.

Works to form part of water undertaking.

32.—(1) As from the twenty-fourth day of June nineteen hundred and twenty-three the maximum rates which the Corporation may demand and take under

Rates for water for domestic purposes.

A.D. 1923. section 66 (Rates at which the company are to supply
— water) of the Act of 1845 for the supply of water for
domestic uses are hereby increased by fifty per centum
upon the respective amounts of those rates :

Provided that as from the twenty-fifth day of March
nineteen hundred and twenty-eight the Minister of Health
shall on the application of the Corporation or any local
authority within the limits of supply for water of the
Corporation or the county council of the administrative
county of Nottingham (each and all of whom shall be
entitled to be heard) review and if necessary revise the
maximum rates authorised by sections 66 (Rates at which
the company are to supply water) and 67 (Limiting
amount of charge for waterclosets) of the Act of 1845
as amended by this section and the scale of charges for
the time being in force for other supplies furnished by
the Corporation within the said limits so that such
revised rates and scales of charges are not more than
sufficient so far as can be estimated to enable the water-
works undertaking of the Corporation to be carried on
without loss after providing for the matters first to sixthly
set out in section 65 (Application of revenue) of the Act
of 1879 and so that no part of the revenue from such
revised rates shall be carried to the credit of the district
fund except so far as may be necessary for making good
any deficiency in the revenue account of the said under-
taking which may have been met out of the district fund
after the passing of this Act Provided also that at any
time after the expiration of five years from such review or
any review under this proviso of the said rates and scales
of charges the said Minister may on the like application
similarly review and if necessary revise the said rates and
scales of charges for the time being in force.

(2) The sum to be applied to the matters sixthly set
out in section 65 (Application of revenue) of the Act of
1879 shall not exceed in any of the five years ending the
thirty-first day of March nineteen hundred and twenty-
eight twenty thousand pounds and in any year thereafter
one-half per centum of the capital expenditure on the
said undertaking until the total of such sums amount to
one-tenth part of the capital expenditure of the Corpora-
tion upon the said undertaking Provided that if such
total be at any time reduced it may be increased until
it again amounts to one-tenth part of such capital
expenditure.

(3) As from the twenty-fifth day of March nineteen hundred and twenty-three the provision seventhly set out in section 65 (Application of revenue) of the Act of 1879 is hereby repealed.

A.D. 1923.

33. Notwithstanding anything contained in section 4 of the Nottingham Waterworks Act 1878 section 3 of the Nottingham Waterworks Act 1879 the Nottingham and West Bridgford Order confirmed by the Local Government Board's Provisional Order Confirmation (No.12) Act 1892 the Nottingham Order confirmed by the Local Government Board Provisional Order Confirmation (No. 22) Act 1896 and section 19 of the Act of 1902 the rates to be charged to the consumers of water in the urban districts of Carlton Eastwood and West Bridgford and in the rural districts of Basford and Bingham may be for the year ending the twenty-fifth day of March nineteen hundred and twenty-four not exceeding twenty-five per centum for the year ending twenty-fifth day of March nineteen hundred and twenty-five not exceeding twenty per centum for the year ending twenty-fifth day of March nineteen hundred and twenty-six not exceeding fifteen per centum for the year ending twenty-fifth day of March nineteen hundred and twenty-seven not exceeding ten per centum for the year ending twenty-fifth day of March nineteen hundred and twenty-eight not exceeding five per centum more than the rates for the time being charged within the city in lieu of the one-fourth additional charge authorised by the said Acts and Orders and thereafter the power of the Corporation to make any additional charge in the aforesaid districts shall cease and determine.

As to rates in urban districts of Carlton Eastwood and West Bridgford and rural districts of Basford and Bingham.

PART VI.

ELECTRICITY.

34.—(1) Subject to the provisions of this Act sections 2 and 3 of the Electric Lighting Act 1888 relating to the purchase of the undertaking by the local authority shall not apply to the Corporation or to their electricity undertaking.

Application of Electric Lighting Acts.

(2) The undertaking authorised by the Order of 1890 and this Part of this Act and the Corporation in respect thereof shall be subject to the provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as

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A.D. 1923 incorporated with this Act and so much of the Order of
— 1890 as is inconsistent with those provisions or this Act
is hereby repealed without prejudice to anything done or
suffered thereunder.

Added area **35.**—(1) There shall be added to the area of supply
of supply. for the purposes of the Order of 1890—
 (a) the urban district of West Bridgford;
 (b) the urban district of Carlton;
 (c) the urban district of Arnold;
 (d) the urban district of Hucknall;
 (e) the parishes of Bestwood Park Bilborough Clifton-
 cum-Glaption Colwick South Gamston Gedling
 Ruddington Stoke Bardolph South Wilford and
 Wollaton in the rural district of Basford; and
 (f) the parishes of Edwalton Holme Pierrepont and
 Radcliffe-on-Trent in the rural district of
 Bingham;

and the Corporation may within or in respect of the said
areas exercise all or any of the powers conferred upon the
Corporation by the Order of 1890 and subsequent Acts
in relation to their electricity undertaking.

(2) The Corporation shall within six months from the
passing of this Act deposit at the office of the Electricity
Commissioners an Ordnance map on a scale of not less
than six inches to the mile showing the boundaries of
the area which is added to the said area of supply under
the provisions of this section.

As to **36.** Every company or person in the electricity
supplies of limits outside the city shall on application be entitled to
electricity a supply of energy on the same terms as those on which
outside city. any company or person in the city is entitled to a
 corresponding supply and the Corporation shall not in
 making any agreements for a supply of electricity show
 any undue preference to companies or persons in the city
 and the price at which the Corporation shall supply
 electricity for public lighting outside the city shall not
 exceed the price credited to the electricity undertaking of
 the Corporation for electricity supplied for that purpose
 in the city.

Compulsory **37.**—(1) The streets and parts of streets throughout
works. which the Corporation are to place suitable and sufficient

distributing mains for the purposes of general supply within a period of two years after the passing of the special order as mentioned in section 21 (Mains &c. to be laid down in streets specified in special order and in remainder of area of supply) of the schedule to the Electric Lighting (Clauses) Act 1899 are set forth in the Second Schedule to this Act.

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(2) The provisions of subsection (1) of section 21 of the schedule to the Electric Lighting (Clauses) Act 1899 shall not apply to the electricity undertaking of the Corporation but if at the expiration of two years from the passing of this Act or within such extended period as the Minister of Transport by order under the hand of an assistant secretary may allow the Corporation shall not have laid down in any district or parish the distributing mains in such district or parish referred to in the Second Schedule to this Act the Minister of Transport may whether on the representation of the local authority of the district or otherwise by order as aforesaid prescribe that the powers by this Part of this Act conferred upon the Corporation in respect of such district or parish shall cease as from the date of the said order.

(3) If at the expiration of three years from the passing of this Act or within such extended period as the Minister of Transport by order under the hand of an assistant secretary may allow the Corporation shall not have laid down distributing mains in any of the parishes of Bestwood Park Bilborough Clifton-cum-Glaption South Gamston Stoke Bardolph and Wollaton in the rural district of Basford the Minister of Transport may by order as aforesaid prescribe that the powers by this Act conferred upon the Corporation in the parish or parishes in which distributing mains shall not have been laid down shall cease as from the date of the said order.

38.—(1) Nothing in this Part of this Act shall in any way limit or affect the powers of the county council of the administrative county of Nottingham (in this section referred to as “the county council”) to rebuild alter widen or repair the structure of any bridge upon which any work authorised by this Part of this Act shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the passing of this Act.

For pro-
tection of
Notting-
hamshire
County
Council.

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(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any portion of the undertaking authorised by this Part of this Act they shall prior to the commencement of such works give the Corporation one month's notice or in case of emergency which in the opinion of the county surveyor renders it necessary that such works should be begun immediately forty-eight hours' notice in writing of their intention to carry out such works and if in order to avoid interruption to the supply by the Corporation of electrical energy it is in the opinion of the county council necessary temporarily to remove the mains and other electrical appliances belonging to the Corporation from such bridge then the Corporation shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Corporation shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute arises between the county council and the Corporation with regard to this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Minister of Transport.

Power to
construct
electrical
sub-stations
under
streets.

39. The Corporation may subject to the provisions of the Order of 1890 as amended by this Act and of the Electricity (Supply) Acts 1882 to 1922 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the electricity limits sub-stations transforming stations and other works in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient :

Provided that the powers of this section shall not be exercised as regards any main road or county or main road bridge in the administrative county of Nottingham

without the consent of the county council of that county but as regards a main road such consent shall not be unreasonably withheld : A.D. 1923.
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Provided also that no such sub-stations transforming stations or other works shall be constructed within a distance of twenty-five yards of the railways of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company respectively except with the consent in writing of those companies respectively or so as to interfere with or render less convenient the access to or exit from any station or depôt of either of those companies.

40. The Corporation may on the application of the owner or occupier of any premises within the electricity limits abutting on or erected or being erected in any street laid out or made but not repairable by the inhabitants at large supply such premises with electrical energy and may lay down take up alter relay repair remove and renew in across along or out of such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Order of 1890 as amended by this Act and of the Electricity (Supply) Acts 1882 to 1922 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section as if such street were a street repairable by the inhabitants at large. Power to lay electric lines &c. in private streets.

The Corporation shall not in carrying out any works under the provisions of this section unreasonably obstruct or interfere with the convenient access to any street belonging to or forming the approach to any station or depôt of the London and North Eastern Railway Company or of the London Midland and Scottish Railway Company.

41. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and attachments as may be required for lighting any street within the electricity limits Provided that— Attachment of brackets &c. to buildings.

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to

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the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) :
- (3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

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

Provided that the Corporation shall not attach any brackets wires or attachments to any building belonging to the London and North Eastern Railway Company or to the London Midland and Scottish Railway Company without the previous consent in writing of the company concerned which consent shall not be unreasonably withheld.

Further powers as to entry upon premises.

42.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage. A.D. 1923.

43.—(1) In the event of a meter of a construction and pattern approved by the Minister of Transport or the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. Period of error in defective meters.

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

44. Any expenses reasonably incurred by the Corporation in re-connecting 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 re-connecting.

45. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five per centum on the amount due in respect of any charges for electrical energy supplied by them from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe on that behalf and if and so soon as the Corporation decide to allow any such discount notice to that effect shall be contained in every demand note in respect of such charges. Provided that all discounts shall be of equal amount under like circumstances to all consumers. Discount on electrical charges.

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Purchase by
Corporation
of waste
heat and
electricity.

46.—(1) The Corporation and any person within the electricity limits may enter into and carry into effect contracts and agreements for and in relation to all or any of the following purposes (namely) :—

- (a) the supply of steam or waste heat by such person to the Corporation;
- (b) the supply by such person to the Corporation of electricity;
- (c) the sale or lease by the Corporation to such person of part of the Corporation's electrical plant.

(2) The Corporation may use any steam heat or electricity supplied to them under the provisions of this section for any purpose for which they may require it and may supply such electricity under and subject to the Acts and Order for the time being authorising them to supply electricity.

(3) For the purposes of this section the Corporation may lay down erect place repair alter renew and remove mains pipes culverts electric lines works and conveniences within the electricity limits and the following provisions (namely) :—

- (a) 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 laid;
- (b) the provisions of the Electricity (Supply) Acts 1882 to 1922 relating to the construction of works subject as regards generating stations to section 11 of the Electricity (Supply) Act 1919; and
- (c) the provisions contained in the Electricity (Supply) Acts 1882 to 1922 in the schedule to the Electric Lighting (Clauses) Act 1899 and in Part VI. (Electricity) of this Act relating to the execution of works (including the construction of street boxes) in over under and along streets;

shall with the necessary alterations extend and apply to and for the purposes of this section within the electricity limits.

(4) The provisions of section 16 (Electric lines &c let on hire though fixed to premises to remain the property

of the undertakers) of the Electric Lighting Act 1909 shall extend to any plant of the Corporation leased in pursuance of this section. A.D. 1923.
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(5) Any party to any contract or agreement entered into under the provisions of this section and any works constructed for the purposes of such contract or agreement shall be subject to all the provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1922 and the schedule to the Electric Lighting (Clauses) Act 1899.

(6) Nothing in this section shall authorise the Corporation to lay down erect or place any mains pipes culverts electric lines works or conveniences in upon or over any property of the London and North Eastern Railway Company or of the London Midland and Scottish Railway Company without the previous consent in writing of the company concerned which consent shall not be unreasonably withheld.

47.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses. Receipts and expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking of the Corporation and shall be applicable accordingly.

PART VII.

CLOSING OF NOTTINGHAM GENERAL CEMETERY.

48.—(1) Notwithstanding anything contained in the Act 6 William IV. chapter 45 or in the Act 8 and 9 Victoria chapter 7 from and after the thirty-first day of December nineteen hundred and twenty-three burials in the Nottingham General Cemetery (in this Part of this Act called "the cemetery") shall (except as hereinafter provided) be discontinued. Discontinuance of burials in cemetery.

(2) It shall not be lawful after the said date to bury the dead in the cemetery except as in this Act

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A.D. 1923. — mentioned and every person who shall after that date bury any body or in anywise act or assist in the burial of any body contrary to this enactment shall be liable to a penalty not exceeding twenty pounds.

Saving certain rights of burial.

49.—(1) Notwithstanding anything contained in this Part of this Act burials may take place—

(a) in such vaults and wholly walled graves now existing in the cemetery as can be opened to a depth of at least three feet nine inches on condition that every coffin buried therein be separately enclosed by stonework or brickwork properly cemented;

(b) in such earthen graves now existing in the cemetery as can be opened to the depth of five feet without exposing coffins or disturbing human remains of so many of the following relations of those interred therein at the date of the passing of this Act namely parents widows and widowers children children-in-law and grandchildren brothers and sisters as can be buried at or below that depth;

(c) in such grave spaces as had on the first day of January nineteen hundred and twenty-three been acquired but in which no burials had at that date taken place provided that burials in such grave spaces shall be confined to fathers mothers widows widowers children children-in-law grandchildren brothers and sisters of the persons by whom such grave spaces shall have been acquired :

Provided that in the case of any fresh interment in accordance with the provisions of this paragraph or paragraph (b) of this subsection no part of the coffin containing the body shall be at a depth of less than three feet below the level of the surface of the ground adjoining the grave.

(2) In every case of a proposed burial in the cemetery under this section notice of such proposed burial shall be given to the medical officer at his office twenty-four hours prior to the time fixed for the opening of the vault or grave.

50. Notice of the provisions of this Part of this Act shall be affixed on the Guildhall and on the doors of the churches and chapels in the city within one month after the passing of this Act and such notices shall remain affixed until the said thirty-first day of December nineteen hundred and twenty-three.

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Notice of provisions of this Part of Act.

PART VIII.

STREETS BUILDINGS SEWERS AND DRAINS.

51.—(1) If the medical officer and the surveyor are of opinion that any building proposed to be erected in the city would if erected—

Prevention of obstructive buildings.

- (a) stop or impede 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;

they may make a representation to the Corporation to that effect stating that in their 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 any 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.

A.D. 1923.

(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 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.

Widening of roads when only one side is built upon.

52.—(1) When a road footpath or way within the city is about to become a new street within the meaning of the Public Health Acts but the land on only one side of such street has been or is in course of being built on the Corporation may in any case in which they may require the owner of the land built on or in course of being built on to widen such road footpath or way to the width which may have been determined by them under section 17 of the Nottingham Corporation Act 1900 require such owner to widen such road footpath or way so as to give a width from the old centre line of such road footpath or way to the boundary thereof adjoining such land of not less than one-half of the width prescribed under the said section.

(2) If and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the

widening of such road footpath or way so as to comply in all respects with the width determined by the Corporation under the said section. Provided that he shall not under this subsection be required to pull down any building erected before the passing of this Act. A.D. 1923.

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

54.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the city distinctly define and mark on a plan to be drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line as shown unless within six weeks after the date of submission thereof as aforesaid they shall have signified to the person submitting the same their disapproval thereof. Building line in new streets.

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

(3) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings

[Ch. c.] *Nottingham Corporation* [13 & 14 GEO. 5.]
Act, 1923.

A.D. 1923. in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Corporation.

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

(5) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

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

Continuation of existing street to be deemed new street.

55. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the city be deemed to be a new street.

Power to define future line of existing streets.

56.—(1) Where any street or road in the city repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage on either side of such street or road.

The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define

the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises. A.D. 1923.

No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the street or road and such land when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled in manner provided by the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.

(3) Whenever in any of the above cases the Corporation shall require the line prescribed by them to be observed and kept they shall make full compensation to the owner of and other persons interested in any land for any loss or damage he or they may sustain respectively in consequence of the line of frontage being set back and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

57.—(1) No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundations thereof until the street so far as it lies upon his land shall No building allowed until street defined.

A.D. 1923. have been defined by posts or in some other sufficient
— manner to indicate the approved line and level thereof.

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

Lopping of
trees over-
hanging
highways.

58.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within fourteen days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the cost of so doing from the owner or occupier upon whom the notice was served.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within fourteen clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk at or before the time of lodging the appeal and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt. Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Elevation
of buildings
erected on
front lands
to require
approval.

59.—(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 by the Corporation acquires a frontage to a street 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 door or entrance or the building wall or fence in a line and the elevation of the building wall or

fence fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of four 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.

A.D. 1923.

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

(3) The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

60.—(1) The Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed at or within a distance of fifteen yards from the corner of any street. The line which in any case the Corporation propose so to prescribe and define shall be definitely marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to the owners of the premises affected. No new building erection excavation or obstruction shall be made or re-made nearer to the centre of the street or streets at such corner than such line.

As to erection of buildings at street corners.

(2) The Corporation may and if required by the owner shall purchase the land lying between any such line as aforesaid and the street and the same when purchased shall vest in the Corporation as part of the street and the amount of purchase money shall in case of difference be settled by arbitration under the Acquisition of Land (Assessment of Compensation) Act 1919.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make compensation to the owner of and to persons interested in any land or building for any loss or damage they may sustain in consequence of such line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building

A.D. 1923. — and to all other persons interested in any such land or building compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept.

(4) If after any such line shall be so defined and prescribed as aforesaid any person shall act contrary to this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty of the like amount.

(5) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street corner shall be fairly estimated and shall be set off against the said compensation or purchase money.

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

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

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

(3) Any person who places or erects any hoarding or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds

and the Corporation may remove the hoarding or fence so placed or erected and may recover the expense incurred by them in so doing from such person. A.D. 1923.

(4) (a) Any person deeming himself aggrieved by any prohibition or by the withholding of any approval of or by the Corporation under this section may within fourteen days from the date of such prohibition or refusal of approval appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(b) 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.

62.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new streets to be constructed are submitted to the Corporation for approval the Corporation may 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 Minister 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 may 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. Adjustment of boundaries.

(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

A.D. 1923. — 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 Minister 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.

For prevent-
ing soil &c.
from being
washed into
streets.

63. 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. Provided that in the event of an offence being committed under this section the Corporation shall give to the owners or occupiers fourteen days' notice in writing requiring them to comply with the provisions of this section and any person offending against this section after the expiration of such notice as aforesaid shall be liable to a penalty not

exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1923.

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:

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.

64.—(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 asphalt concrete or paving and drain gullies and grids in good repair. Provided that the expression "court or yard or passage" shall not include a garden or a disused garden. 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 requirements of the Corporation under the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

65.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop in the city 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. Regulation bins for refuse &c.

A.D. 1923.

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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 :

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.

Larders to
to provided.

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

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

A.D. 1923.

(d) If in any case the owner alleges that the occupier of any dwelling-house in respect of which any work is required to be executed under the provisions of this subsection ought to bear or contribute to the expenses of the execution of such work he may apply to a court of summary jurisdiction and such court shall have power to make such order as the court may think fit.

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

Area of habitable rooms.

68. The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions in or about or arising out of any stable or in or about or arising out of or with regard to the situation in reference to other buildings of any stable.

Byelaws as to stables &c.

69.—(1) The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available.

As to houses without proper water supply.

(2) This section shall not come into force until three months after notice has been given by advertisement of the provisions of the section in two newspapers published or circulating in the city. Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this subsection have been complied with.

70.—(1) 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.

Preventing nuisance caused by emission of grit from chimneys.

(2) This section shall not apply to the chimney of any existing factory for a period of ten years after the passing of this Act nor shall it apply to any locomotive steam engine used on any railway nor to any mechanically propelled road vehicle :

[Ch. c.] *Nottingham Corporation* [13 & 14 GEO. 5.]
Act, 1923.

A.D. 1923.
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Provided that if at any time within the said period of ten years any public general Act shall be passed containing provisions similar to subsection (1) of this section the exemption contained in this subsection shall not be deemed to be an exemption from the provisions of such public general Act.

Power to
order altera-
tion of
chimneys.

71. It shall be lawful for a court of summary jurisdiction upon complaint by the medical officer or sanitary inspector that any smoke gas or vapour from any chimney of a wash-house or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the city to make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas or vapour or such other means to be adopted as may seem fitting to such court and as shall not exceed an expenditure of ten pounds for preventing or mitigating such nuisance within such time as shall be specified in such order and any such owner as aforesaid who shall neglect or refuse to obey such order 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.

72. 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.

Owners of
houses to
keep
privies and
ashpits in
repair.

73.—(1) The owner of any house let on a weekly tenancy shall keep the privy or closet and ashpit belonging to such house or used by the inmates or occupiers thereof in good repair to the satisfaction of the Corporation.

(2) Any such owner who shall not repair such privy closet or ashpit to the satisfaction of the Corporation within fourteen days next after service on him of written

notice from the medical officer requiring him so to do shall be liable to a penalty not exceeding forty shillings and the Corporation may themselves if they think fit repair such privy closet or ashpit and recover the expense incurred by them in that behalf from such owner. A.D. 1923.

74.—(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 of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section. Corporation may order houses to be drained by a combined drain.

(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.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section 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. 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. 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.

A.D. 1923.

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Provision in
lieu of sec-
tion 19 of
Public
Health Acts
Amendment
Act 1890.

75.—(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 (Examination of drains privies &c. on complaint of nuisance) 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.

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

(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.

Saving for
railway
companies.

76. The provisions of this Part 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 London and North Eastern Railway Company or the London Midland and Scottish 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 the said companies or either of them for the purposes (other than for a dwelling-house) of their undertakings with the authority of Parliament.

PART IX.

INFECTIOUS DISEASE AND SANITARY MATTERS.

Extended
meaning of
"infectious
disease"
for certain
purposes.

77. For the purposes of this Part of this Act the expression "infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the city and for the purposes of the sections of this Act of which the marginal notes are "Power to close Sunday schools

[13 & 14 GEO. 5.] *Nottingham Corporation* [Ch. c.]
Act, 1923.

“ to prevent spread of disease &c.” “ Restriction on A.D. 1923.
“ attendance of children at Sunday schools and places of —
“ assembly when infectious disease prevails ” and “ Notifi-
cation of infectious disease to teachers ” respectively
the said expression also includes measles german measles
whooping cough and chicken pox.

78.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the city require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with. Power to close Sunday schools to prevent spread of disease &c.

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

79.—(1) No person being the parent or having the care or charge of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the city without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others. Restriction on attend-ance of children at Sunday schools and places of assembly when infec-tious disease prevails.

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

(3) For the purposes of this and the preceding section “ Sunday school ” means any school in which children are

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A.D. 1923. — assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday.

Notification of infectious disease to teachers.

80. Any parent or guardian having personal charge of a child in attendance at a school who is aware of the occurrence of any infectious disease in any member of the family and who fails forthwith to notify such occurrence to the head teacher of the school shall be liable to a penalty not exceeding twenty shillings.

Information to be furnished as to infectious disease.

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

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

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

Medical inspection of inmates of common lodging-houses &c. when infectious disease prevails.

82. Whenever the medical officer shall report in writing to the Corporation or to a committee of the council that there is a prevalence of infectious disease in the city or in 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 city 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 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 city for such period as the Corporation or such committee as aforesaid having regard

to the circumstances of the case shall in the resolution determine (that is to say):— A.D. 1923.

(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 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 city medically examine any person found in any common lodging-house in the city 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 registered common lodging-house in the city 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 Minister of Health:

(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.

83.—(1) If the Corporation deem it necessary on account of the existence or recent existence therein of infectious disease to close a common lodging-house they may make an application to a court of summary jurisdiction for an order to close the same and the court if satisfied of the necessity of such closing may make an order for the closing of such house until the same shall have been disinfected to the satisfaction of and certified to be free from infection by the medical officer and any keeper of a common lodging-house who shall receive

Power to close infectious common lodging-houses.

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

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

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

(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in 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 or any boat lying in any river canal or other water within the city and used for the like purpose.

A.D. 1923.
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Cleansing
of children
and their
clothing.

87.—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may within the city 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.

(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 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 registered 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 to 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.

A.D. 1923:

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

88.—(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 or whose parent or guardian (where the person is under the age of sixteen) consents to his leaving the 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 or (where the person is under the age of sixteen) whose parent or guardian does not consent to his leaving the house to be removed therefrom to and detained in any such temporary shelter or house accommodation where a court of summary jurisdiction 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 condition of any order satisfied without charge to the person removed or to the parent or guardian of that person.

Cleansing
of vermin-
ous persons.

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

(4) If any person at the request of the Corporation or under an order of such court shall cease his employment in order to comply with such order the Corporation

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 dependents.

A.D. 1923.

(4) An order under this section may be addressed to any 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 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.

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

90.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van or similar structure used for human habitation) or any part thereof 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 such 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.

Disinfection
in case of
tuberculosis.

[Ch. c.] *Nottingham Corporation* [13 & 14 GEO. 5.]
Act, 1923.

A.D. 1923.

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 so having 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.

(b) 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 town clerk and who shall produce this authority enter on any premises between the hours of nine o'clock in the forenoon and six o'clock in the afternoon.

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

(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 requirements shall be liable to a penalty not exceeding five pounds.

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

(3) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of

this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of the compensation shall be recoverable in and in case of dispute may be settled by a court of summary jurisdiction.

A.D. 1923.

91.—(1) Any person being a manufacturer of or vendor or merchant or dealer in ice-cream or other similar commodity who within the city—

For regulat-
ing
manufacture
and sale of
ice-cream
&c.

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

A.D. 1923.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of 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 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.

Sanitary
regulations
for pre-
mises used
for sale
&c. of food
for human
consump-
tion.

92.—(1) From and after the passing of this Act the following provisions shall apply to any room or shop within the city in which any article whether solid or liquid intended or adapted for the food of man is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale:—

- (a) Any such room or shop shall be properly ventilated to the reasonable satisfaction of the medical officer;
- (b) No urinal watercloset earthcloset privy ashpit or other like sanitary convenience shall be within such room or shop or shall communicate therewith except through the open air or through an intervening ventilated space;
- (c) No drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within such room shop or other part of the building;
- (d) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of the building except so far as may be reasonably necessary for the proper carrying on of the trade or business;
- (e) Due cleanliness shall be observed in regard to such room shop or other part of the building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of the building.

A.D. 1923.

(2) The medical officer and sanitary inspector shall have power to enter and inspect any room shop or part of a building to which the provisions of this section apply for the purpose of ascertaining whether or not such provisions are being complied with.

(3) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of the building wherein any of the conditions prohibited by this section exists or does or knowingly permits any act or thing therein in contravention of this section or obstructs the medical officer or sanitary inspector from exercising his powers of inspection thereunder 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.

(4) The provisions of this section shall not apply to any factory within the meaning of the Factory and Workshop Act 1901.

93.—(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.

No place used for storage &c. of human food to 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 sanitary inspector 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.

The word "food" in this section shall include every article used for food or drink by man other than drugs or water and any article which ordinarily enters into or is

A.D. 1923. used in the composition or preparation of human food and
— shall also include flavouring matters and condiments.

Byelaws
for places
used for
preparation
of food.

94. The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the manufacture preparation storage transport or exposure for sale of any article intended to be sold for the food of man Provided that before making any such byelaw applicable to the transport of any article by the London and North Eastern Railway Company or the London Midland and Scottish Railway Company or to or from any railway station or depôt of either of such companies the Corporation shall give not less than one month's notice to the company affected of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and such company shall be entitled to make representations to the Minister of Health with regard thereto :

Provided also that before confirming any byelaws made as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts 1901 to 1920 apply the Ministry of Health shall consult the Secretary of State.

Rag and
bone dealers
not to sell
food.

95.—(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 city 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 connection with the business of rag and bone merchants.

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

Penalty on
original
vendor of
unsound
food.

96.—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for the food of man (the proof that the same was not sold for the food of man resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who

so sold the same shall be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition. A.D. 1923.

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

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

97.—(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 : Discontin-
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of offensive
trade.

[Ch. c.] *Nottingham Corporation* [13 & 14 GEO. 5.]
Act, 1923.

A.D. 1923.

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 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.

Defining
establish-
ment of a
new busi-
ness for
purposes of
section 112
of Public
Health
Act 1875.

98.—(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;

but a trade business or manufacture shall not be deemed to be established for the first time on any premises by

reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area. A.D. 1923.

(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.

99.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have power to enter the premises of any vendor of or merchant or dealer in any article intended for the food of man or any premises where any such article is for the purposes of sale deposited or stored or is in preparation for sale for the purpose of inspecting such premises and the materials or commodities or articles of food therein. Entry on premises used for storage of food.

(2) On any such inspection the said officer of the Corporation shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the vendor merchant or dealer or the agent of such person his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the public analyst.

(3) The expression "public analyst" in this section means the analyst appointed by the Corporation for the purposes of the Sale of Food and Drugs Acts 1875 to 1907.

[Ch. c.] *Nottingham Corporation* [13 & 14 GEO. 5.]
Act, 1923.

A.D. 1923:
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Conversion
of existing
accommo-
dation into
water-
closets.

100.—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Corporation may require any existing slop closet accommodation provided at or in connection with any building to be altered so as to be converted into a fresh watercloset which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connection with such building.

(2) If the owner of any such building fail in any respect to comply with a notice from the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner such part of the expenses incurred by the Corporation in so doing as they may recover under the provisions of subsection (3) of this section.

(3) The Corporation shall bear and pay such part of the expenses incurred by the owner or by them under the provisions of the preceding subsections (not being less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner and the Corporation may if they think fit pay the whole of the expenses incurred in making any alteration of any slop closet accommodation in pursuance of this section.

(4) The notice under this section shall state the effect of the provisions of this section.

Byelaws
requiring
covering
over of
meat &c.
during con-
veyance
through
streets.

101. 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 referred to in such byelaws while being conveyed through or along any street :

Provided that before making any such byelaws applicable to the collection and delivery by the London and North Eastern Railway Company or their contractors or agents or by the London Midland and Scottish Railway Company or their contractors or agents of traffic in meat or other articles of food at from or to any railway or depôt of either of such companies the Corporation shall give not less than one month's notice to the company

affected of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the company shall be entitled to make representations to the Minister of Health with regard thereto. A.D. 1923.

102.—(1) Public notice of the provisions of Part X. (Slaughter-houses and markets) and of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and by a notice affixed outside the Guildhall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. Public notice to be given of provisions of Part X. and this Part of Act.

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

PART X.

SLAUGHTER-HOUSES AND MARKETS.

103.—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the city which from its situation condition or construction is in the opinion of the Corporation injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no such person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises: Power to close slaughter-houses if injurious to public health.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious and dangerous and also specifying their requirements in regard thereto and if within the said period of three months the owner or occupier of such slaughter-house or either of them shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation:

A.D. 1923.

(c) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister of Health by that Minister and unless and until that Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

Byelaws as
to slaughter-
houses.

104.—(1) The powers contained in section 169 of the Public Health Act 1875 and the enactments incorporated therewith to make byelaws with respect to slaughter-houses shall extend to and include the making and enforcement of byelaws—

- (a) For preventing the slaughter of animals in any pound pen lair or pining-house forming part of any registered or licensed premises;
- (b) For preventing the slaughter of any animal within public view or within the view of any other animal;
- (c) For preventing the slaughter of any animal except by such means and in such manner as may be prescribed by such byelaws; and

(d) For preventing the carcase of any slaughtered animal intended for the food of man from being contaminated during such time as the same shall be hung or remain in any slaughter-house. A.D. 1923.

(2) Nothing in any byelaw made under this section shall affect the operation of the Diseases of Animals Acts 1894 to 1914 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

105. In this Part of this Act "cattle" means cattle as defined in section 3 of the Town Police Clauses Act 1847. Definition of "cattle."

106. If any tenant stall-holder or occupier shall not after any market rent has become due and payable to the Corporation in respect of any stall standing or other convenience or place in any market market-house market-place or fair belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stall standing or other convenience or place and re-let the same without prejudice to any other remedy for the recovery of such toll rent stallage or charge. Possession of market stalls when rent unpaid.

PART XI.

PARKS AND RECREATION GROUNDS.

107. Notwithstanding anything contained in the Public Health Acts or any other Act relating to their parks and recreation grounds the Corporation may appropriate and use for the purpose of a public library the part of Vernon Park in the city coloured pink on the plan signed in triplicate by Sir Thomas Robinson the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one of which plans has been deposited in the Parliament Office House of Lords one in the Private Bill Office of the House of Commons and one in the office of the town clerk and the Corporation may also appropriate and use for the purpose of open-air schools such parts of their parks and recreation grounds as they may think fit. Appropriation of parts of parks for library and open-air schools.

A.D. 1923.

—
Power to
establish
golf
courses.

108.—(1) The Corporation may appropriate any lands belonging to them for the purposes of a municipal golf course and shall be deemed to have appropriated under the powers of this section the lands used for that purpose at Bulwell Forest and Bulwell Hall Park and may hold and use for the purposes of golf courses such lands as may be necessary or expedient for that purpose and may upon any such lands form alter maintain or regulate manage and use golf courses with all proper and convenient houses pavilions works buildings and conveniences and may make such charges for the use thereof as they think fit and may let any such houses pavilions buildings and conveniences for such rent or rents as they may think fit Provided that the public shall be entitled to use such golf course on payment of such reasonable charges as the Corporation may prescribe.

(2) The Corporation shall apply all moneys from time to time received by them under and in pursuance of the exercise of the powers of this section other than moneys (if any) received on capital account as follows (that is to say) :—

First In payment of the working and establishment expenses and cost of maintenance of such golf courses ;

Secondly In payment of the interest on moneys borrowed by the Corporation for the purpose of such golf courses ;

Thirdly In providing the requisite instalments or sinking fund payments in respect of moneys borrowed by the Corporation for the purposes of such golf courses ;

Fourthly In extending and improving such golf courses ;

and the Corporation shall carry to the credit of the district fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required to carry on the said golf courses and to pay the current expenses connected therewith Any deficiency in the revenue or receipts of the Corporation on account of such golf courses shall be made good out of the general district rate.

(3) The Corporation may make and enforce byelaws with respect to such golf courses and for regulating the use thereof :

Provided also that the powers given by this section shall not be exercised in such a way as to contravene any covenant or condition subject to which any park or place of public resort or recreation or any portion thereof so set apart as aforesaid is held by the Corporation.

A.D. 1923.

109. The Corporation may from time to time let to any club company body or persons any portion of any park or place of public resort or recreation set apart by them under the provisions of section 76 (Powers as to parks and pleasure gardens) of the Public Health Acts Amendment Act 1907 and may upon such portions so set apart erect construct maintain and let all proper and convenient houses pavilions dressing-rooms and other buildings works and conveniences :

Power to let recreation grounds &c. to cricket clubs &c.

Provided that nothing in this section shall empower the Corporation so to let at one and the same time more than fifty per centum of the total area of the parks or places of public resort or recreation for the time being belonging to them or under their control :

Provided also that the powers given by this section shall not be exercised in such a way as to contravene any covenant or condition subject to which any park or place of public resort or recreation or any portion thereof so set apart as aforesaid is held by the Corporation.

110. When any portion of a public park or pleasure or recreation ground is set apart by the Corporation for any purpose under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and specially laid out and maintained for any such purpose the Corporation may charge reasonable sums for the use thereof for that purpose.

Charge for use of parts of recreation grounds &c. set apart for certain purposes.

111. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of any buildings or enclosures in any of their parks recreation grounds or lands used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms reading rooms and conveniences in connection therewith as they may deem fit.

Power to charge for admission.

A.D. 1923.
—
Provision of
concerts
entertain-
ments &c.

112.—(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments athletic meetings exhibitions and amusements and for the sale of refreshments in any public buildings halls or rooms belonging to them or in any park or recreation ground for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Corporation may let any such building belonging to them or any park or recreation ground for the purpose of such concerts entertainments athletic meetings exhibitions or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit.

(2) The Corporation may in any park or recreation ground vested in them enclose an area for the purpose of any such concert or other entertainment as aforesaid or for any performance by such bands or choirs.

(3) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any concert entertainment or performance given in pursuance of this section.

(4) The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this section.

(5) The Corporation may pay or contribute towards the cost of providing and maintaining in the city and in newspapers published in the city advertisements of any concerts or entertainments given in pursuance of this section.

(6) All expenses incurred by the Corporation under the provisions of this section shall be paid out of the district fund and general district rate and all moneys received by them thereunder shall be carried to the credit of the district fund. Provided always that the net amount of any payments or contributions made by the Corporation under the provisions of this section after deducting any moneys received by them thereunder shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on property in the city assessable in that year to the general district rate.

113. The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

A.D. 1923.

—
 Power to
 appoint
 officers.

PART XII.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

114.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with 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 fund and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the fourth column thereof (namely)—

Power to
 borrow.

1.	2.	3.	4.
Purpose.	Amount.	Charge.	Period for Repayment.
(a) For the purchase of lands for and the construction of the street works authorised by this Act.	£ 408,470	The district fund and general district rate.	Sixty years from the date or dates of borrowing.
(b) For and in connection with the construction of the tramways authorised by this Act.	41,500	The revenue of the tramway undertaking and the district fund and general district rate.	Twenty-five years from the date or dates of borrowing.

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1.	2.	3.	4.
Purpose.	Amount.	Charge.	Period for Repayment.
(c) For the electrical equipment of such tramways.	£ 6,500	The revenue of the tramway undertaking and the district fund and general district rate.	Twenty years from the date or dates of borrowing.
(d) For the purchase of land for and the construction of Waterworks Nos. 2 and 3 authorised by this Act.	30,790	The revenue of the water undertaking the district fund and general district rate.	Forty years from the date or dates of borrowing.
(e) For the construction of Waterwork No. 1 by this Act authorised.	2,610	The revenue of the water undertaking and the district fund and general district rate.	Thirty years from the date or dates of borrowing.
(f) For mains wires and apparatus in connection with the supply of electricity.	74,500	The revenue of the electricity undertaking and the district fund and general district rate.	Twenty-five years from the date or dates of borrowing.
(g) For paying the costs charges and expenses of this Act.	The sum requisite.	The district fund and general district rate.	Five years from the passing of this Act.

(2) (a) The Corporation with the consent of the Minister of Transport may also borrow such further money as may be necessary for any of the purposes of the tramway undertaking of the Corporation and with the consent of the Electricity Commissioners may borrow such further money as may be necessary for any of the purposes of the electricity undertaking of the Corporation and with the consent of the Minister of Health may borrow such further money as may be necessary for any of the purposes of this Act other than the purposes of those undertakings.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister or Commissioners with whose consent such money is borrowed.

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

(3) The provisions of this section prescribing the revenue funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 25 (Power to use one form of mortgage for all purposes) of the Act of 1910.

115. The following sections of the Acts of 1897 1905 1910 and 1913 are incorporated with this Act and shall extend and apply to and for the purposes of this Act as if those sections with the necessary modifications were set out in this Act (namely):—

Incorporation of further provisions from Acts of 1897 1905 1910 and 1913.

Act of 1897—

- Section 25 (Certain regulations of Public Health Act as to borrowing not to apply);
- Section 26 (Mode of raising money);
- Section 27 (Provisions of Public Health Act as to mortgages to apply);
- Section 29 (Mode of payment off of money borrowed);
- Section 30 (Sinking fund) Provided that the said section shall be read and have effect as if the words "three pounds ten shillings per centum per annum or such other rate as the Minister of Health may approve" were inserted in subsection (1) (b) of that section instead of the words "three pounds per centum per annum";
- Section 31 (Protection of lender from inquiry);
- Section 32 (Corporation not to regard trusts);
- Section 33 (Appointment of receiver);

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Section 35 (Annual return to Local Government Board);

Section 36 (Application of money borrowed); and

Section 37 (Inquiries by Local Government Board);

Provided that the said section 37 shall be read and have effect as if the word "five" were substituted for the word "three" in subsection (2) of that section :

Act of 1905—

Section 46 (Expenses of execution of Act);

Section 62 (Recovery of penalties); and

Section 64 (Audit of accounts) :

Act of 1910—

Section 26 (Application of section 265 of Public Health Act 1875) :

Act of 1913—

Section 27 (Judges not disqualified); and

Section 29 (Powers of Act cumulative).

Power to
re-borrow.

116.—(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 forthwith to be repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys. A.D. 1923.
—

(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.

117.—(1) The Corporation may from time to time make regulations prescribing that in certain streets within the area comprised within a radius of half a mile from the Great Market Place vehicular traffic shall pass in one direction only. Regulations
for con-
trolling
traffic.

(2) Any person who shall contravene any such regulation after warning given by word or signal by a police constable stationed in the street to direct the traffic shall be liable to a penalty not exceeding forty shillings.

(3) The Corporation shall cause at least fourteen days' notice to be given of all regulations made under this section by advertisement in a newspaper published or circulating in the city.

(4) A copy of any regulations made under this section purporting to be signed by the town clerk and certified by him to be a true copy shall be evidence until the contrary is proved in all legal proceedings of the making and existence of such regulations without further or other proof.

118. The provisions of the Town Police Clauses Act 1847 and the byelaws of the Corporation for the time being in force with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises within the city as if such railway station or railway premises were a stand for hackney carriages or a street: As to public
vehicles
taken at
stations.

A.D. 1923.

— Provided 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 stations or railway premises or to the drivers or conductors of such vehicle :

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage 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 premises or yard.

Use of
swimming
baths in
winter.

119. The Corporation may from the first day of October to the first day of May close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes free from any restriction contained in the Baths and Washhouses Acts 1846 to 1899 or any Act amending the same.

Overseers
may require
returns.

120.—(1) The overseers of the parish may by notice in writing require the owner or occupier or reputed owner or occupier of any hereditament in the parish to send to them a return in writing in the form set forth in the Third Schedule to this Act and containing the particulars therein mentioned or referred to.

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this section within fourteen days after receipt of such notice as aforesaid shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds and any person who wilfully makes or causes to be made a false return shall be liable to a penalty not exceeding ten pounds.

(3) Nothing in this section shall require the London and North Eastern Railway Company or the London Midland and Scottish Railway Company to include in any return which they may be required to send to the overseers particulars with respect to their running lines sidings or stations.

(4) The overseers of the parish shall whenever required by the assessment committee of the Nottingham

Poor Law Union produce from time to time to such committee the returns or any of them obtained by the overseers under the provisions of this section. A.D. 1923.
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121. 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. Service of summons on members of Council.

122. 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 Part VIII. (Streets buildings sewers and drains) Part IX. (Infectious disease and sanitary matters) and Part X. (Slaughter-houses and markets) of this Act as if those purposes had been mentioned in the said section 102. Power to enter premises.

123. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part VIII. (Streets buildings sewers and drains) or Part IX. (Infectious disease and sanitary matters) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works the occupier shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work. Penalty on occupier refusing execution of Act.

124.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the city requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. Authentication and service of notices &c.

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(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the city may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

In executing works for owner Corporation liable for negligence only.

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

As to breach of conditions of consent of Corporation.

126. Where under this Act or under any general or local Act for the time being in force in the city 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.

Consents of Corporation to be in writing.

127. All consents given by the Corporation under the provisions of this Act or of any local Act Provisional Order byelaw or regulation for the time being in force

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within the city shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation. A.D. 1923.

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

129. Where any damages expenses costs 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 costs or charges in case of dispute respecting the same may be settled or determined by a court of summary jurisdiction before whom any offender is convicted. Damages and charges to be settled by justices.

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

131. 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 Recovery of demands.

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A.D. 1923. the amount recoverable in that court in a personal
— action.

Informa-
tions by
whom to be
laid.

132. 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 byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk.

Saving for
indictments
&c.

133. 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.

Summons
or warrant
may contain
several
sums.

134. Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Confirma-
tion of
byelaws.

135. The provisions of the following sections of the Public Health Act 1875 (namely):—

Section 182 (Authentication and alteration of bye-laws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

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.

As to appeal,

136. Any person deeming himself aggrieved by any order judgment determination 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 Part VIII. (Streets buildings sewers and drains) Part IX. (Infectious disease and sanitary matters) or Part X. (Slaughter-houses and markets) of this Act or by any conviction or order made

by a court of summary jurisdiction under the said provisions 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 the Corporation may in like manner appeal. A.D. 1923.
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137. 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. Compensation how to be determined.

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

139. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of moneys to be borrowed under this Act for that purpose. Costs of Act.

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The SCHEDULES referred to in the
 foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PARTS ONLY MAY
 BE TAKEN.

Area.	Numbers on deposited plans.									
City of Nottingham -	46	72	103	119	141	393	394	395	396	500
	527	528	529	530	614	621	622	623	624	
	637	664	740	741	744	744A	746	749	750	
	751	752	753	754	755	755A	756	757	758	
	759	761	762	763	764	765	766	767A	768	
	769	770	771	772	773	774	775	776	777	
	778	779	780	781	782	783	784	785	786	
	787	798	799	800	801	802	803	804	805	
	806	807	808	809	810	811	812	813	814	
	815	816	817	818	819	820	821	822	823	
	824	827	828	829	830	838	840	841	842	
	843	845	847	852	853	854	855.			
	Parish of Colwick -	856	857	858	859.					

THE SECOND SCHEDULE.

Streets and parts of streets throughout which the Corporation are
 to place suitable and sufficient distributing mains within
 two years.

IN THE URBAN DISTRICT OF WEST BRIDGFORD.

Radcliffe Road from its junction with Loughborough Road to
 Mabel Grove.

Holme Road from its junction with Radcliffe Road to Adbolton
 Grove.

Trent Boulevard from its junction with Radcliffe Road to Seymour
 Road.

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Melbourne Road from Rutland Road to Holme Road.
Rutland Road from Trent Boulevard to Oakfields Road.
Mabel Grove from Radcliffe Road to Albert Road.
Edward Road from its junction with Radcliffe Road to Ella Road.
Bridgford Road from its junction with Loughborough Road to a point 80 yards south of Central Avenue.
Central Avenue from Bridgford Road to the junction of Albert Road with Central Avenue.
Albert Road from its junction with Central Avenue to Edward Road.
Musters Road from its junction with Bridgford Road to Kingston Road.
Rectory Road from Musters Road to Central Avenue.
Melton Road from its junction with Loughborough Road to Carnarvon Road.
Loughborough Road from Radcliffe Road to North Road.
Wilford Lane from Loughborough Road to the urban district boundary.

IN THE URBAN DISTRICT OF CARLTON.

Meadow Road from the London and North Eastern Railway Bridge to the junction of Victoria Road with Meadow Road.
Victoria Road from the London Midland and Scottish Railway Station along that road and Netherfield Road to North Western Terrace.
Station Road from the London Midland and Scottish Railway Station to junction of Main Street.
Manor Road from Station Road to Main Street East.
Burton Road from Manor Road to Orlando Drive.
Conway Road from its junction with Station Road for a distance of 110 yards therefrom measured in a north-easterly direction.
Main Street East from its junction with Church Street to Manor Road.
Main Street West from Church Street to Forester Grove.
Carlton Hill from Forester Grove to city boundary.
Gedling Road from its junction with Main Street East to Westdale Lane.
Orlando Drive from Gedling Road to Burton Road.
St. Austine's Drive from Gedling Road to end.
Redland Grove from Gedling Road to end.

IN THE URBAN DISTRICT OF ARNOLD.

Mansfield Road from Scout Lane to Church Drive.
Villiers Road from Mansfield Road to Woodthorpe Avenue.
Albemarle Road from Mansfield Road to Woodthorpe Avenue.
Woodthorpe Avenue from Villiers Road to Marlborough Road.
Egerton Road from Mansfield Road to Woodthorpe Avenue.
Sherbrooke Road from Mansfield Road to Daybrook Works.

A.D. 1923. Nottingham Road from Mansfield Road and along Front Street to Spout Lane.
Gedling Road from Front Street to Brookfield Road.
Brookfield Road from its junction with Gedling Road to Brookfield Works.

IN THE URBAN DISTRICT OF HUCKNALL.

Annesley Street from Eastwell Street along Baker Street and High Street to Station Road.
Station Road from High Street to Bolsover Street.
Watnall Road from High Street to the London and North Eastern Railway Station.
Portland Road from the "Yew Tree" to the junction of Duke Street and Station Road.

IN THE RURAL DISTRICT OF BASFORD.

PARISH OF COLWICK.

Main Road Old Colwick from Vale Road to Manor House.
Vale Road from its junction with the Main Road to Old Colwick to Park Terrace.
Chaworth Road from Park Terrace to the London and North Eastern Railway Station.

PARISH OF GEDLING.

Gedling Road and Main Street from Westdale Lane to Carnarvon Grove.
Station Road from Carnarvon Grove to the London and North Eastern Railway Station.
Waverley Avenue from Station Road to the junction of Waverley Avenue with Tennyson Avenue.
Carnarvon Grove from Main Street to Station Road.
Tennyson Avenue from Gedling Road to the junction of Tennyson Avenue with Waverley Avenue.

PARISH OF RUDDINGTON.

Station Road from its junction with Wilford Road to its junction with Victoria Avenue.
Wilford Road from its junction with Station Road to Church Street.
Victoria Avenue from Wilfrid Road to Station Road.

PARISH OF SOUTH WILFORD.

Main Road from Ferry Inn to the junction of Main Road with Wilford Lane.
Wilford Lane from its junction with Main Road to boundary of West Bridgford.
Ruddington Lane from Wilford Lane to Wilford House.

IN THE RURAL DISTRICT OF BINGHAM.

A.D. 1923.

PARISH OF EDWALTON.

Melton Road from Main Street of Village to two hundred yards north-west of "The Limes."

PARISH OF HOLME PIERREPONT.

Holme Lane from the Hall Lodge for a distance of one hundred yards east thereof.

PARISH OF RADCLIFFE-ON-TRENT.

Main Road of Village from its junction with Radcliffe Road through Village and along Radcliffe Hill to Schools.

Cropwell Road from Main Road past the Golf House to Dewberry Lane (near top of hill).

Shelford Road from Main Street past the London and North Eastern Railway Station to the parish boundary.

Lorne Grove from Main Road to the London and North Eastern Railway Station.

THE THIRD SCHEDULE.

RETURN OF RENT OR ANNUAL VALUE AND OF
 OTHER PARTICULARS TO BE RENDERED UNDER THE
 NOTTINGHAM CORPORATION ACT 1923.

<p>1. Name of the street or road &c. in which the property is situate - Number of the house (If not numbered state the name by which known.) Whether occupied with or without stables or other premises as part of the same property - - The quantity of land (if any) and how used -</p>	
<p>2. Full Christian name and surname of occupier</p>	
<p>3. Name and address of owner or immediate lessor - (If not known state the name and address of the agent or person to whom the rent is paid.)</p>	

[Ch. c.] *Nottingham Corporation* [13 & 14 GEO. 5.]
Act, 1923.

A.D. 1923.

<p>4. Whether the property is occupied— (a) Wholly as a private residence <i>or</i> (b) Partly as a dwelling-house and partly for trade or business purposes (c) Nature of the business (if any)</p>	<p>(a) (b) (c)</p>
<p>5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors</p>	
<p>6. Amount of rent <i>or</i> if ground rent only is paid state its amount</p>	<p>£ per £ per</p>
<p>7. Whether the property is held under lease or agreement for a period of years <i>or</i> by the year quarter month or week</p>	
<p>8. (a) Date of commencement of term of lease or agreement (b) Term of years for which granted (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements (If none insert "None.")</p>	<p>(a) (b) (c) Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated <i>i.e.</i> the amount at which the property is worth to be let by the year the owner keeping it in repair</p>	<p>} Annual Value £</p>

A.D. 1923.

10. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -

11. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - -

(If each undertakes to bear part only of the cost of repairs state the particulars.)

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

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FOR

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

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