

**CHAPTER xcix.**

An Act to consolidate with amendments the local Acts in force within the borough of Chesterfield to confer further powers upon the mayor aldermen and burgesses of that borough in relation to their several undertakings the construction of street improvements the provision of recreation grounds and other matters to discontinue the Chesterfield racecourse to make better provision for the health local government and improvement of the borough and the levying of rates therein and for other purposes.

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[2nd August 1923.]

WHEREAS there are in force within the borough of Chesterfield (in this Act called "the borough") numerous Acts and Orders which relate to the improvement and local government of the borough including the supply of gas water and electricity the construction and working of tramways and trolley vehicles the working of omnibuses and other matters:

And whereas some of the provisions of the said Acts and Orders have been superseded by subsequent legislation and ought to be repealed and it would be of local and public advantage if such of the provisions of the said Acts and Orders as it is deemed expedient to retain were consolidated with certain amendments and additions into one Act:

And whereas it is expedient at the same time to extend in various respects the powers of the Corporation

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And whereas for many years certain lands until lately in the urban district of Whittington and Newbold but now by virtue of the Chesterfield (Extension) Order 1920 in the borough have been used annually by the public as a racecourse on the successive days of the Chesterfield races and for the purpose of training horses on fourteen days previous thereto and provisions relative to such lands are contained in an Act passed in the first and second years of the reign of King George the Fourth intituled " An Act for inclosing lands in the parish of Whittington in the county of Derby " (in this Act called " the Whittington Act ") and in an Act passed in the seventh year of the reign of King William the Fourth intituled " An Act for inclosing lands in the manor " of Newbold in the parish of Chesterfield in the county " of Derby " (in this Act called " the Newbold Act ") and in the awards made under those Acts respectively :

And whereas the said racecourse has to the extent of one-third of its length fallen into disuse and by reason of the growth and development of the district in which the remainder of the said racecourse is situate it is unsuitable for further use as a racecourse and it is expedient to discontinue its use for that purpose to abolish any public rights thereover and in substitution therefor to make provision for the laying out of a recreation ground in the neighbourhood thereof :

And whereas the most Noble Victor Christian William Duke of Devonshire K.G. and Johnson Pearson are or claim to be the owners respectively of parts of the said racecourse and have entered into agreements with the Corporation copies of which are set forth in the Sixth and Seventh Schedules hereto and it is expedient to confirm those agreements and to make provision for carrying them into effect and it is also expedient to empower the Corporation to acquire the remainder of the said racecourse and other lands in the neighbourhood thereof :

And whereas it is expedient that the other provisions contained in this Act be enacted: A.D. 1923.

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

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

For the construction of waterworks (in addition to the amount authorised to be borrowed by the Chesterfield Gas and Water Board Act 1911) - - -	£ 3,156.
For the construction of the new tramways (in addition to the amount authorised to be borrowed by the Chesterfield Corporation Act 1914) - - -	9,433
For the construction of the street improvements and new streets authorised by this Act - - - - -	40,000

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 whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands which may be taken under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands respectively have been deposited with the clerk of the peace for the county of Derby which plans sections and book of reference 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

A.D. 1923. 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.

Short title. 1. This Act may be cited as the Chesterfield Corporation Act 1923.

Commence-
ment of
Act. 2. This Act shall come into operation on the first day of September nineteen hundred and twenty-three except the provisions of Part XXI. (Rates) which shall come into operation on the first day of April nineteen hundred and twenty-four.

Division of
Act into
Parts. 3. This Act is divided into Parts as follows:—

- I.—Preliminary.
- II.—Boundary and wards of borough.
- III.—Gas.
- IV.—Water.
- V.—Tramways trolley vehicles and omnibuses.
- VI.—Electricity.
- VII.—Markets fairs and slaughter-houses.
- VIII.—Street improvements.
- IX.—Burial grounds.
- X.—Public buildings parks recreation grounds and baths.
- XI.—Lands.
- XII.—Streets and buildings.
- XIII.—Sewers and drains.
- XIV.—Streams and bridges.
- XV.—Advertisements and sky signs.
- XVI.—Infectious disease and sanitary provisions.
- XVII.—Milk supply.
- XVIII.—Common lodging-houses and houses let in lodgings.
- XIX.—Hackney carriages and police.
- XX.—Chesterfield racecourse.
- XXI.—Rates.
- XXII.—Finance.
- XXIII.—Miscellaneous.
- XXIV.—Repeal.

4. 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 and for the purposes of such incorporated Acts this Act shall be deemed to be the special Act within the meaning of any such Acts and "the promoters of the undertaking" "the undertakers" or "the company" or "the commissioners" where used in those Acts shall mean the Corporation (that is to say):—

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Incorporation of Acts.

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

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

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

(2) The Gasworks Clauses Act 1847 except—

(a) Sections 30 to 37 (with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit); and

(b) Section 38 (with respect to the yearly receipt and expenditure of the undertakers):

Provided that section 13 shall be read as if—

The words "or any premises" were inserted after the words "private building"; and

The words "Provided also that every such contract entered into by the undertakers shall be alike in terms and amount in like circumstances to all consumers" were added at the end of that section:

(3) The Gasworks Clauses Act 1871 except sections 7 8 28 29 30 33 and 35:

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(4) The Waterworks Clauses Acts 1847 and 1863 except—

(a) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847;

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

(5) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 Provided that the said section 19 shall be read and have effect as if the words “but nothing in this Act contained shall authorise any local authority to place and run carriages upon such tramways and to demand and take tolls and charges in respect of the use of such carriages” were omitted from that section:

(6) The schedule to the Electric Lighting (Clauses) Act 1899 (as amended by the Electricity (Supply) Acts 1909 to 1922) with the following exceptions:—

(a) Subsection (1) of section 7;

(b) Subsection (1) of section 21;

(c) Sections 83 and 84:

Provided that sections 23 and 65 of the said schedule shall apply to the undertaking of the Corporation outside the borough as if the Corporation were the local authority;

(7) The Markets and Fairs Clauses Act 1847 sections 2 3 13 to 30 and 33 to 42:

(8) The Town Police Clauses Act 1847 section 12.

Interpre-
tation.

5. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act or by the Public

Health Acts meanings are assigned shall in this Act A.D. 1923.
have the same respective meanings And in this Act—

- (1) "The commencement of this Act" means as regards any provision of this Act the day on which such provision comes into operation in pursuance of the section of this Act whereof the marginal note is "Commencement of Act";
- (2) "The Corporation" means the mayor aldermen and burgesses of the borough of Chesterfield;
- (3) "The borough" means the borough of Chesterfield;
- (4) "The mayor" and "the council" mean respectively the mayor and the council of the borough;
- (5) "The town clerk" "the treasurer" "the surveyor" "the medical officer" "the sanitary inspector" and "the water engineer" mean respectively the town clerk the treasurer the surveyor the medical officer of health and the sanitary inspector of the borough and the water engineer of the Corporation and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officers;
- (6) "The borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;
- (7) "The borough map" means the map referred to in the Chesterfield (Extension) Order 1920 marked "Map of the Borough of Chesterfield as extended 1920" and sealed with the official seal of the Minister of Health and "the ward map" means the map referred to in the said Order marked "Map of the wards of the Borough of Chesterfield as extended 1920" and sealed with the official seal of the said Minister;
- (8) "The township" means the township of Chesterfield;
- (9) "The overseers" means the overseers of the township;

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- (10) "The poor rate" means the poor rate of the township;
- (11) "The consolidated rate" means the poor rate as authorised by this Act to be levied and collected;
- (12) "The county council" means the county council for the administrative county of Derby;
- (13) "The rural district" and "the rural district council" mean respectively the rural district of Chesterfield and the district council of that district;
- (14) "The railway companies" means the London and North Eastern Railway Company and the London Midland and Scottish Railway Company and "a railway company" means either of those companies;
- (15) "The gas undertaking" includes all lands properties works buildings machinery plant mains apparatus appliances rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to or in connection with gasworks or the manufacture storage or distribution of gas or otherwise for or in relation to or in connection with the supply of gas by them;
- (16) "The gas limits" means the limits within which for the time being the Corporation are or shall be authorised to supply gas;
- (17) "The water undertaking" includes all lands properties reservoirs wells boreholes aqueducts tunnels conduits streams of water works buildings machinery plant mains apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to or in connection with waterworks or the diversion collection storage protection and distribution of water or otherwise for or in relation to or in connection with the supply of water by them;
- (18) "The water limits" means the limits within which for the time being the Corporation are or shall be authorised to supply water;

- (19) "The new tramways" means the tramways the construction of which is authorised by this Act;
- (20) "The tramways" means the tramways shortly described in the Third Schedule the new tramways and any tramways tramroads or light railways for the time being belonging to the Corporation and whether within or without the borough;
- (21) "The tramways undertaking" includes the tramways trolley vehicle and omnibus undertakings the tramways the trolley vehicles and omnibuses of the Corporation and all lands properties works buildings machinery plant apparatus appliances rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to or in connection with the said tramways trolley vehicles or omnibuses;
- (22) "Mechanical power" means electrical or any other motive power not being animal power;
- (23) "Engine" includes motor;
- (24) "Trolley vehicle" means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;
- (25) "Overhead equipment" includes all posts poles standards brackets wires cables conductors transformers and other necessary or convenient apparatus and equipment for the purpose of working and lighting trolley vehicles and for the purposes of telephonic communication in connection therewith;
- (26) "Hackney carriage" has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus;
- (27) "Telegraphic line" has the same meaning as in the Telegraph Act 1878;
- (28) "The electricity undertaking" includes all lands properties works buildings machinery plant mains apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the

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Corporation for or in relation to or in connection with electricity works or the generation or distribution of electricity or otherwise for or in relation to or in connection with the supply of electricity by them;

- (29) "The electricity limits" means the limits within which for the time being the Corporation are or shall be authorised to supply electricity and such limits shall be deemed to be the area of supply within the meaning of the schedule to the Electric Lighting (Clauses) Act 1899;
- (30) "The markets undertaking" includes all lands properties buildings apparatus appliances manorial and other rights franchises powers authorities and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to or in connection with markets fairs refrigerators cold-air stores slaughter-houses or public slaughter-houses;
- (31) "The slaughter-house undertaking" means that part of the markets undertaking which the Corporation are authorised to establish by the section of this Act whereof the marginal note is "Power to establish slaughter-houses" or any part of the lands used for the purposes thereof and includes accommodation for public slaughter-houses or lairages;
- (32) "Park" includes any public park pleasure ground playground or recreation ground belonging to the Corporation;
- (33) "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;
- (34) "Cart" includes any lorry waggon timber-carriage float drey or such like vehicle;
- (35) "Sky sign" means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or

structure which or any part of which sky sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support. The expression "sky sign" also includes any balloon parachute or other similar device employed wholly or in part for the purposes of any advertisement or announcement upon over or above any building structure or erection of any kind or on or over any street or public way but shall not include—

(a) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement;

(b) Any sign or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof. Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported;

(c) Any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place;

(36) "Offensive trade" means any trade which is for the time being an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907;

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

(38) "Sunday school" means any school in which children are assembled for instruction on a

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- Sunday or specially for religious instruction whether or not on a Sunday;
- (39) "Food" includes every article other than water used for food or drink by man;
- (40) "Dairy" includes any farm farmhouse cowshed milkstore milkshop or other place from which milk is supplied or in which milk is kept for the purpose of sale;
- (41) "Dairyman" includes any cowkeeper purveyor of milk or occupier of a dairy;
- (42) "Main road" means a main road within the meaning of the Local Government Act 1888;
- (43) "Classified road" means a road included in class 1 or class 2 of the classification of roads by the Minister of Transport under subsection (2) of section 17 of the Ministry of Transport Act 1919;
- (44) "Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction;
- (45) "Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;
- (46) "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;
- (47) "The prescribed period" means the period allowed by any statutory borrowing power for the repayment of loans raised thereunder;
- (48) "Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;
- (49) "The deposited plans of 1911" means the plans and sections deposited with the clerk of the peace for the county of Derby in respect of the Bill for the Chesterfield Gas and Water Board Act 1911;
- (50) "The deposited plans of 1914" means the plans and sections deposited with the clerk of the peace for the county of Derby in respect of the Bill for the Chesterfield Corporation Act 1914;
- (51) "The Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;
- (52) "The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same;
- (53) "The recited Acts" means the Acts of Parliament and Orders confirmed by Parliament mentioned in the First Schedule;
- (54) "Local enactment" includes this Act and any local Act Provisional Order byelaw or regulation for the time being in force within the borough;
- (55) "The First Schedule" "the Second Schedule" "the Third Schedule" "the Fourth Schedule" "the Fifth Schedule" "the Sixth Schedule" "the Seventh Schedule" "the Eighth Schedule" and "the Ninth Schedule" mean respectively the First Second Third Fourth Fifth Sixth Seventh Eighth and Ninth Schedules to this Act.

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Adoptive
Acts.

6.—(1) The provisions of the Baths and Wash-houses Acts 1846 to 1899 the Infectious Disease (Prevention) Act 1890 the Public Health Acts Amendment Act 1890 (except as hereinafter mentioned) the Private Street Works Act 1892 and the Public Libraries Acts 1892 to 1919 which are now in operation shall continue to be in force in the borough.

(2) Provided that in the application within the borough of the Public Health Acts Amendment Act 1890—

- (a) Section 19 (Extension of 38 & 39 Vict. c. 55 s. 41) shall cease to be in force;
- (b) Section 22 (Sanitary conveniences for manufactories &c.) shall have effect as if the words “medical officer or sanitary inspector” were added after the word “surveyor” in subsection (2) of that section;
- (c) Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) shall have effect as if the words “and floor area” were added after the word “height” in subsection (1) of that section; and
- (d) Section 51 (Music and dancing licences) shall have effect as if after the word “music” therein there were added the words “boxing displays” and as if from subsection (1) there were omitted the words “after the expiration of six months from the adoption of this Part of this Act.”

Application
of Public
Health Acts
Amend-
ment Act
1907.

7.—(1) Subject to the provisions of any order which the Minister of Health or the Secretary of State may hereafter make the following provisions of the Public Health Acts Amendment Act 1907 with the additions set forth in the proviso to this subsection shall be in force in the borough (that is to say):—

Part II. Streets and buildings Sections 15 16
17 18 19 20 21 22 23 24 25 27 28
29 30 31 32 and 33;

Part III. Sanitary provisions;

Part IV. Infectious diseases;

Part V. Common lodging-houses Sections 70
71 72 73 74 and 75 (except sub-
section (1) thereof);

Part VI. Recreation grounds;

Part X. Miscellaneous Sections 94 and 95;

Provided that unless and until the Minister of Health by an order made on such application and after compliance with such requirements as are described and set forth in section 3 of the said Act otherwise declares specifies and directs the said provisions in their application to the borough shall have effect as if the words and figures set forth in the second column of the next following table were added to and formed part of the sections of the said Act respectively indicated in the first column thereof (that is to say):—

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1.	2.
Part II. Section 24	“ Nothing in any local Act shall affect “ the making or confirmation of any byelaw “ under the Public Health Acts 1875 to 1907 “ with respect to any subject matter specified “ in this section.”
Section 25	“ The power of making or enforcing “ byelaws under section 157 of the Public “ Health Act 1875 as extended by section 23 “ of the Public Health Acts Amendment “ Act 1890 with respect to the paving of “ yards and open spaces in connexion with “ dwelling-houses shall cease to be exercise- “ able.”
Section 27	“ (7) Nothing in this section shall apply “ to any temporary building erected or set “ up for use by the Territorial Force.”
Part III. Section 35	“ This section so far as it relates to the “ deposit of material shall have effect “ subject to the first proviso to section 91 “ of the Public Health Act 1875.” “ The power of making or enforcing “ byelaws under section 23 of the “ Municipal Corporations Act 1882 for the “ prevention and suppression of nuisances “ and the power of making or enforcing “ byelaws under the section of the Chester- “ field Corporation Act 1923 whereof the “ marginal note is ‘ Cleansing of cisterns ’ “ shall not be exerciseable in relation to “ any subject matter of this section.”

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1.

2.

Part III.
Section 38

“ Nothing in this section shall prejudicially affect any power or right exercisable by or attaching to an owner or occupier of premises by virtue of section 22 of the Public Health Act 1875 or of section 18 of the Public Health Acts Amendment Act 1890.”

Section 43

“ (3) This section shall be in force subject to the following conditions (that is to say):—

“ (i) Where a urinal in respect of which notice under this section is given by the local authority has been provided in pursuance of a requirement and to the satisfaction of the local authority one half of the cost of the removal of the urinal shall be charged and defrayed by the local authority as a part of their general expenses under the Public Health Acts.

“ (ii) The amount of any such contribution by the local authority shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

“ (iii) Every notice in pursuance of subsection (1) of this section with respect to a urinal shall set forth these conditions as a part of the notice and any such notice in which these conditions are not so set forth shall be of no effect.”

Part IV.
Section 59

“ (6) Nothing in this section shall apply to a public or circulating library which is not within the district.”

(2) On and after the date of the confirmation of any byelaws made by the Corporation under the Public Health Acts 1875 to 1907 with respect to the matters mentioned in section 24 of the Public Health Acts

Amendment Act 1907 the provisions of the sections of this Act whereof the marginal notes are respectively— A.D. 1923.

(a) Height of buildings;

(b) Erection of buildings to greater height than adjoining buildings; and

(c) Height of chimneys;

shall be no longer in force in the borough.

(3) Section 43 of the Public Health Acts Amendment Act 1907 as extended by subsection (1) of this section shall have effect within the borough as if the words "opening on any street" were omitted from subsection (1) thereof and as if the words "or to make structural alterations thereto" were inserted after the words "to remove it" in the same subsection.

(4) The order of the Local Government Board dated the seventeenth day of March nineteen hundred and ten declaring certain provisions of the Public Health Acts Amendment Act 1907 to be in force within the borough is hereby annulled and such annulment shall be deemed to be the repeal of an enactment for the purposes of the Interpretation Act 1889.

PART II.

BOUNDARY AND WARDS OF BOROUGH.

8.—(1) The boundary of the borough shall be that shown by the red line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all purposes be the borough. Boundary of borough and borough map.

(2) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of such map so far as it relates to the boundary of the borough and such map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from such map certified by the town clerk to be true on payment of a reasonable fee to be demanded by the Corporation. All fees so received shall be carried to the credit of the borough fund

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Division of
borough
into wards
and
number of
councillors.

9.—(1) Subject to the provisions of the Municipal Corporations Acts the borough shall for the purposes of the election of councillors be divided and continue to be divided into the twelve wards existing at the commencement of this Act and having the names hereunder set out and shown upon the ward map (viz.) Hasland Ward West Ward Rother Ward St. Leonard's Ward Trinity Ward St. Helen's Ward Moor Ward Newbold Ward Holme Brook Ward Central Ward Old Whittington Ward and New Whittington Ward.

(2) Subject to the provisions of the Municipal Corporations Acts the number of councillors of the borough shall be thirty-six (three for each of the said wards) and the number of aldermen shall be twelve.

PART III.

GAS.

Gas under-
taking to con-
tinue vested
in Corpora-
tion.

10. The gas undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held used and enjoyed by them.

Gas limits.

11. The gas limits shall be the borough the urban district of Brampton and Walton and the parishes of Barlow Brimington Calow Duckmanton Hasland Temple Normanton and Wingerworth in the rural district.

Power to
construct
and
maintain
gasworks.

12.—(1) Subject to the provisions of this Act the Corporation may continue maintain alter improve and renew the existing gasworks upon the lands hereinafter described and may also upon those lands erect maintain alter improve and renew additional gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas under the powers of this Act and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them.

(2) The Corporation may also—

(a) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Corporation are manufacturing from their own residual

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products Provided that the quantity of any residual product so purchased by the Corporation in any year shall not exceed one third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them; and

- (b) purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid:

But the Corporation shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Corporation or purchased from other gas undertakings is merely subsidiary.

(3) The lands hereinbefore referred to are situate in the borough and are—

(a) The lands (upon part of which the existing Chesterfield gasworks of the Corporation are situate) containing 7 acres 3 roods and 9 poles or thereabouts bounded on the east by Foljambe Road on the south by Chatsworth Road on the west by the centre of the bed of the Holme Brook and on the north as to a part by the public footpath leading from Alexandra Road to Ashgate Road and as to the remainder by a plot of land whereon are erected premises fronting to Alexandra Road and Foljambe Road;

(b) The lands (upon part of which the existing Whittington gasworks of the Corporation are situate) containing 2 acres 3 roods and 10 poles or thereabouts bounded on the north and east by the River Whitting on the south by the Sheepbridge branch of the Midland Railway and on the west by Whittington Hill.

13.—(1) The Corporation may on the application of the owner or occupier of any premises within the gas limits abutting on or in process of erection in any street laid out but not dedicated to public use supply those

Power to lay pipes in private streets.

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premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act.

(2) Provided that the Corporation shall not exercise their powers under this section with respect to any street or road belonging to a railway company except with the consent of such company but such consent shall not be unreasonably withheld and if any difference arises between the company and the Corporation as to whether such consent is in any case unreasonably withheld the difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers. In carrying out any works authorised by this section the Corporation shall not unreasonably obstruct or interfere with the convenient access to any such street or road.

Power to lay pipes for ancillary purposes.

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

Construction of pipes between mains and meters.

15. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

- (1) The Corporation may specify the minimum size and the material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Corporation's mains and the meter at which the gas supplied by the Corporation is measured so far as such pipes and fittings are intended to be covered over:
- (2) The Corporation may if they think fit make different specifications for different classes of

premises having regard to the probable maximum consumption of gas thereon at any one time :

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- (3) The specification shall be published either twice in some newspaper or once in each of two newspapers circulating within the gas limits and a copy thereof shall be kept exhibited in the office of the Corporation :
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Corporation's main but within the outside wall of the building :
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation. Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (6) Any person to whom the Corporation refuse a supply of gas under the provisions of this section may appeal to a court of summary jurisdiction against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

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Power to supply gas for lighting heating cooking and other purposes.

Reduction in price of gas in certain circumstances.

16. Subject to the provisions of this Act the Corporation may supply gas for lighting heating motive power warming and ventilating and other purposes and for the particular requirements of any trade industry manufacture or business on such terms and conditions in all respects as may be agreed on between the Corporation and the persons supplied.

17.—(1) Whenever the total of the moneys received by the Corporation for the supply of gas after the commencement of this Act shall exceed by more than two thousand pounds the total of the following sums (that is to say):—

- (a) the amount of the requisite appropriations instalments or sinking fund payments in respect of money borrowed for the purposes of the gas undertaking;
- (b) the amount of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Corporation consequent upon any proceedings by or against the Corporation their officers or servants in relation to the undertaking;
- (c) the amount of any interest payable in respect of money borrowed by the Corporation for the purposes of the undertaking;
- (d) the amount (if any) set aside in respect of the undertaking under the provisions of the section of this Act whereof the marginal note is “Reserve funds”;

then the charges for the supply of gas to be made in the next succeeding year shall be reduced to an extent equivalent to the amount of such excess over two thousand pounds:

Provided that if it appears from estimates in respect of the next succeeding year that the estimated total of the moneys to be received by the Corporation in respect of such next succeeding year will be less than the total of the said sums in respect of that year then the reduction in the charges to be made shall be equivalent only to so much (if any) of the amount of such excess as would not be required to make the said totals equivalent.

(2) The Corporation shall keep an account and prepare and estimate for the purposes of this section so as to show under separate headings the several items mentioned herein.

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18. For the purposes of the Gas Regulation Act 1920 the prescribed testing place shall be a testing place which shall be provided by the Corporation on the lands described in paragraph (a) of subsection (3) of the section of this Act whereof the marginal note is "Power to construct and maintain gasworks" within three months after the commencement of this Act.

Testing
place.

19. If any person is required by the Corporation to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Corporation shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Interest on
money
deposited
as security.

20.—(1) The Corporation may purchase provide supply sell let for hire and otherwise deal in and fix set up maintain alter and remove (but shall not manufacture) gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things (in this section referred to as "fittings") for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and the Corporation may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such fittings and for securing their safety and return to the Corporation as may be agreed upon between the Corporation and the person to or for whom the same are sold supplied let fixed set up altered or removed.

Power to
supply
gas
apparatus
engines &c.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be.

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(3) All fittings let for hire under the provisions of this section shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Corporation :

Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) The Corporation shall only be entitled to the privileges and exemptions conferred by subsections (2) and (3) of this section in respect of such of the said fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

(5) Provided as follows:—

(a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(b) Every sum charged by the Corporation in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer;

(c) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the gas undertaking of the Corporation for that year.

(6) Any sum payable to the Corporation in respect of the provision of such fittings or the fixing repairing or removal thereof shall be recoverable summarily as

a civil debt provided the amount thereof does not exceed twenty pounds. A.D. 1923.

21.—(1) Notwithstanding anything contained in any enactment to the contrary the Corporation shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is at the date when notice is served upon the Corporation requiring the supply to be given insufficient for such purpose or if and so long as any such supply would in the opinion of the Corporation interfere with the sufficiency of the gas required to be supplied by means of that main for lighting or domestic purposes. Mains of insufficient capacity.

(2) This section shall not apply to any main used by the Corporation for the supply by them of gas under a contract entered into under the section of this Act whereof the marginal note is "Corporation may contract for supply and purchase in bulk."

22.—(1) At least twenty-four hours' notice in writing shall be given to the Corporation by every gas consumer before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur. Consumers to give notice before removing.

(2) Notice of the effect of this enactment shall be stated in or endorsed upon every demand note for gas charges payable to the Corporation.

23.—(1) In any case in which the Corporation are by virtue of any enactment relating to their gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Corporation without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Corporation) and any person who shall reconnect such service pipe with the Mode of cutting off supplies.

A.D. 1923. meter without the consent of the Corporation shall be deemed to commit an offence within the meaning of section 18 (Penalty for fraudulently using the gas of the undertakers) of the Gasworks Clauses Act 1847 :

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 (Undertakers to furnish sufficient supply of gas to owners and occupiers within the limits of the special Act) of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Corporation shall (subject to the provisions of section 22 (Power to remove meter and fittings) of the Gasworks Clauses Act 1871) have and may exercise the like powers of entry as are exerciseable under that section.

Expenses
of re-
connecting
supply.

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

Removal
of fittings
where
supply dis-
continued.

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

Corporation
may refuse
to supply
gas in cer-
tain cases.

26. The Corporation may refuse to supply gas to any person whose payments for the supply of gas or meter rent are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Notice to
dis-
continue

27. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be

of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation.

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supply of
gas.

28.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

Anti-
fluctuators
to be used
with gas
engines.

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

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

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

29.—(1) Every consumer of gas supplied by the Corporation who uses air at high pressure for or in connection with the consumption of such gas (in this section referred to as "high-pressure air") shall if required to do so by the Corporation provide and fix in a suitable position and use an efficient valve approved by the Corporation or other appliance for preventing the admission of such air into the service pipe or any main through which such gas is supplied and shall at all times

Provision
of valve
where high-
pressure
air is used.

A.D. 1923. at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

(2) It shall not be lawful for any person at any time after the commencement of this Act to commence to use high-pressure air unless and until he shall have given to the Corporation not less than fourteen days' previous notice in writing of his intention to do so.

(3) Every person who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (5) of this section is using high-pressure air shall within one month after that date give to the Corporation notice in writing of such use and if within one month after the giving of such notice the Corporation require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Corporation or any obligation under this section the Corporation may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Corporation shall give notice of the effect of the foregoing provisions of this section—

(a) (in the case of all persons who at the commencement of this Act are consumers of gas supplied by the Corporation) on the demand notes for gas charges payable to the Corporation issued next after that date; and

(b) (in the case of any person becoming after the commencement of this Act a consumer of gas supplied by the Corporation) on the first of such demand notes delivered to such person after he shall have become a consumer.

(6) The Corporation shall have access at all reasonable times to all premises supplied by them with gas in or

upon which high-pressure air is used or the Corporation have reason to believe that high-pressure air is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary. A.D. 1923.

(7) The Corporation shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

30.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. Period of error in defective meters.

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

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

Provided that the sum to be paid under this section shall not exceed five shillings in respect of any one quarter of a year in cases where the nominal capacity

A.D. 1923.

of the meter through which the gas is supplied or to be supplied does not exceed one hundred and twenty cubic feet per hour nor twenty-five shillings in respect of any one quarter of a year in cases where such nominal capacity exceeds one hundred and twenty cubic feet per hour but does not exceed fifteen hundred cubic feet per hour.

Corporation
may
contract
for supply
and
purchase
in bulk.

32.—(1) The Corporation may contract with any local authority company or person for the supply by the Corporation to them or for the supply to the Corporation by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the gas limits.

(2) Provided that the Corporation shall not supply gas under this section unless they are satisfying and will continue to satisfy the requirements of consumers of gas for all purposes within the gas limits.

Supply of
coke-oven
gas.

33.—(1) The Corporation and any local authority company or person may enter into and carry into effect contracts and agreements for and in relation to the supply by such local authority company or person to the Corporation of coke-oven gas.

(2) The Corporation may use coke-oven gas for the purposes of their undertaking and may supply the same to consumers under and subject to the provisions of this Act and of the Gas Regulation Act 1920.

PART IV.

WATER.

Works &c.

Water under-
taking to con-
tinue vested
in Corpora-
tion.

34. The water undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held used and enjoyed by them.

Power to
maintain
and provide
waterworks
and supply
water.

35. The Corporation may—

- (1) maintain renew alter and improve the water undertaking or any part thereof;
- (2) take intercept and impound any water which can or may be intercepted by any of their existing works or which they might have taken intercepted or impounded if this Act had not been passed;

- (3) erect lay down provide and maintain upon lands vested in the Corporation for the purposes of the water undertaking additional and other works and apparatus; A.D. 1923.
- (4) lay down provide and maintain additional and other aqueducts mains and pipes in under or across streets subject to the provisions of this Act and of the Acts incorporated therewith; and
- (5) sell and supply water in accordance with the provisions of this Act.

36. The Corporation shall not be entitled to take water from the rural district council by means of Work No. 14 (line of pipes No. 1) shown on the deposited plans of 1911 or any other work added thereto or in substitution therefor or by means of any other line of pipes used for the purpose of taking unfiltered water except subject to the following restrictions:— Compensation water.

- (1) The Corporation shall through a suitable measuring gauge placed at or near to the Ramsley Reservoir discharge or cause to be discharged from the line of pipes marked A B C D on a map (scale 6 inches to one mile) signed in triplicate by Sir Henry Kimber Bart. the Chairman of the Committee of the House of Commons to which the Bill for the Chesterfield Gas and Water Board Act 1911 was referred (one copy of which map was then deposited in the Parliament Office of the House of Lords one copy in the Private Bill Office of the House of Commons and one copy at the office of the water undertaking) and deliver into the Blake Brook one gallon of water in respect of every two gallons taken by the Corporation through the said Work No. 14 or any other work added thereto or in substitution therefor or by means of any other line of pipes used for the purpose of taking unfiltered water:
- (2) The said gauge shall be open to the inspection and examination of the board of conservators of the Trent Fishery District and all persons interested therein:

A.D. 1923.

- (3) In case of any neglect on the part of the Corporation to maintain such gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow the Corporation shall for every day on which such neglect occurs forfeit and pay to the county council and to each of the persons affected thereby (all or any of whom may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them :
- (4) If any difference arise between the Corporation and any person so interested with respect to the construction or use of such gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the President of the Institution of Civil Engineers :
- (5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the Corporation can divert collect impound or appropriate by means of the said line of pipes.

Power to
construct
works.

37.—(1) Subject to the provisions of this Act the Corporation may wholly in the county of Derby and in the lines and situations and upon the lands delineated on the deposited plans of 1911 and described in the deposited book of reference thereto make and maintain the following works shown on the deposited plans of 1911 (that is to say):—

Work No. 19 A covered high-service reservoir to be constructed of brick and concrete situate in the urban district of Brampton and Walton in the western corner of the land or property numbered 593 on the $\frac{1}{2500}$ scale Ordnance map (second edition 1898) Derbyshire sheet XXIV. 4;

Work No. 21 (line of pipes No. 5) A line of pipes situate in the urban district of Brampton and Walton commencing in the termination of the

Corporation's existing main in the road from Old Brampton to Baslow at a point in the said road opposite to the north-east corner of the field numbered 578 on the $\frac{1}{2500}$ scale Ordnance map (second edition 1898) Derbyshire sheet XXIV.4 and terminating at or in the covered high service reservoir Work No. 19 : A.D. 1923

Work No. 23 (line of pipes No. 7) A line of pipes situate in the urban district of Brampton and Walton commencing in the Corporation's existing main situate at a point four chains or thereabouts north-west of the Bull's Head public-house Holymoorside delineated on the $\frac{1}{2500}$ scale Ordnance map (second edition 1898) Derbyshire sheet XXIV.12 and terminating at or in the Corporation's existing covered service reservoir in the land or property numbered 594 on the $\frac{1}{2500}$ scale Ordnance map (second edition 1898) Derbyshire sheet XXV.13.

(2) In addition to the foregoing works the Corporation may upon the lands for the time being belonging to them for the purposes of the water undertaking make and maintain all such cuts channels catchwaters tunnels adits conduits pipes culverts drains sluices byewashes shafts watertowers overflows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches telegraphs telephones and other means of electric communication engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

38. 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 of 1911 and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate from the levels shown on the sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of other works

Limits of
deviation.

A.D. 1923. three feet upwards and ten feet downwards Provided
that—

- (1) The Corporation shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the sections in respect of the corresponding embankment or wall and three feet in addition :
- (2) Except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the sections.

Period for
completion
of works.

39.—(1) If the works authorised by this Part of this Act and delineated on the deposited plans of 1911 are not completed within ten years from the commencement of this Act then on the expiration of that period the powers granted by this Part of this Act for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

(2) Provided that nothing in this section shall prevent the Corporation from extending enlarging altering reconstructing renewing or removing any of their works and plant and in the case of the lines of pipes authorised by the recited Acts or this Act laying down additional lines of pipes as and when occasion may require.

Byelaws for
preventing
pollution of
water.

40.—(1) The Corporation may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of those areas as may be defined in the byelaws.

(3) Any landowner who may be affected by any such byelaws shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

A.D. 1923.

(4) All byelaws made under this section shall be subject to the approval of the council of every district comprising any part of the area within which it is proposed that they shall be in force. Provided that such approval shall not be necessary where in the opinion of the Minister of Health it has been unreasonably withheld.

(5) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration.

41.—(1) The Corporation may on all or any of the lands for the time being held by them in connection with their water undertaking execute for the purposes thereof or in connection therewith any of the works and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847.

Exercise of powers of section 12 of Waterworks Clauses Act 1847.

(2) Provided that the Corporation shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

42.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes.

Power to purchase and hold lands and exercise powers for protection of waters and waterworks.

(2) Provided that the Corporation shall not create or permit the creation or continuation of any nuisance on any lands acquired under this section nor without the approval of the Minister of Health erect or permit the erection of any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

(3) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and

A.D. 1923.

conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(4) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

Reserva-
tion of
water
rights on
sale.

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

Discharge
of water
into
streams.

44.—(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.

(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.

(3) The Corporation shall not in exercising the powers of this section cast or permit or suffer to pass or be cast

or washed into any river stream or tributary passing through or by the county of Derby (including any county borough in the said county) any mud or offensive matter or other deposit or materials contained in or taken out of or removed from any of their reservoirs or works and they shall remove all such mud offensive matter or materials to some convenient place to prevent the same from being washed into any such river stream or tributary as aforesaid.

A.D. 1923.

45. 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 lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down for the purposes of the water undertaking :

Application
of Water-
works
Clauses
Act 1847.

Provided that the Corporation shall not lay down any such discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any road bridge or approach of a railway company except with the consent in writing of such company which consent shall not be unreasonably withheld and under the superintendence if given and to the reasonable satisfaction of the principal engineer of such company and if any difference arises as to whether such consent is unreasonably withheld or whether the requirements of the said principal engineer are reasonable or otherwise such difference shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

46. Any telephone or telegraph posts wires conductors apparatus or other means of electric communication or overhead equipment laid down erected made or maintained under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall not be installed or worked in contravention of the provisions of the Wireless Telegraphy Act 1904 or any statutory re-enactment or modification thereof or be constructed in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General.

For
protection
of Post-
master-
General.

A.D. 1923.

Power to
lay pipes
in private
streets.

47. The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or in process of erection in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply as if section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation with this Act:

Provided that the Corporation shall not exercise their powers under this section with respect to any street or road belonging to a railway company except with the consent of such company but such consent shall not be unreasonably withheld and if any difference arises between the company and the Corporation as to whether such consent is in any case unreasonably withheld the difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers. In carrying out any works authorised by this section the Corporation shall not unreasonably obstruct or interfere with the convenient access to any such street or road.

Corpora-
tion to
have
powers of
urban
sanitary
authority
for supply
of water.

48.—(1) Within the water limits the Corporation shall continue to have and enjoy and may exercise (but as regards so much of the water limits as is outside the borough not to the exclusion of the local authorities) all the powers rights and authorities of an urban sanitary authority under the Public Health Act 1875 and the Acts amending the same with respect to the supply of water.

(2) Provided that nothing in the said Acts contained shall authorise the Corporation to charge for the supply of water any rates other than the rates which they are by this Act authorised to charge.

(3) Nothing in this section shall authorise the Corporation to carry any water mains into through or under any lands of a railway company without the consent in writing of that company which consent shall not be unreasonably withheld. If any difference arises as to whether any such consent is unreasonably withheld that difference shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

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Supply of Water.

49. The water limits shall be the borough the urban district of Brampton and Walton and the parishes of Brimington and Hasland in the rural district. Water limits.

50. The water supplied by the Corporation within the water limits need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is taken. Limit of pressure.

51. The Corporation shall properly and efficiently filter all water supplied for domestic purposes from the Linacre reservoirs. Filtration of water.

52.—(1) All water supplied by the Corporation for domestic purposes shall be pure and wholesome. If at any time it shall appear to the Corporation that any water so supplied by them is liable to act upon lead in such a manner as to endanger the health of the consumer the Corporation shall forthwith treat any water so supplied so as to prevent such action. For prevention of plumbism.

(2) If at any time it shall appear to the medical officer of health for the county of Derby that any water supplied by the Corporation is liable to act upon lead in such a manner as to endanger the health of the consumer the Corporation shall upon being required so to do by the county council forthwith treat any water so supplied so as to prevent such action :

Provided that if any difference arises between the Corporation and the county council with respect to any requirement made under this subsection the difference shall be determined by the Minister of Health on the application of either of the parties.

(3) If the Corporation shall at any time supply water otherwise than in accordance with the provisions of subsections (1) and (2) of this section they shall be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding ten pounds for every day during which such default shall continue.

(4) The local authority for any district situate wholly or partly within the water limits and the county council may take proceedings to enforce the provisions of this section and for the recovery of penalties thereunder. Provided that the Corporation shall not incur more than one penalty (other than a daily penalty) for the same offence.

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Rates for
domestic
supply.

53.—(1) The Corporation shall at the request of the owner or occupier of any dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding twelve and a half per centum on the gross estimated rental of such dwelling-house.

(2) Provided that the Corporation shall not be required to supply any such premises with water for a less sum than thirteen shillings per annum.

(3) The gross estimated rental of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the period for which the rate accrues or by any new or supplementary list made during such period or if there be no such list in force by the last rate made for the relief of the poor :

Provided that where the water rate is chargeable on the gross estimated rental of a part only of any hereditament entered in the valuation list such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(4) In addition to the foregoing rates the Corporation may charge in respect of every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sum to be paid half-yearly in advance and to be recoverable in all respects with and as the water rate.

Charges
for animals
and
vehicles.

54.—(1) In addition to the rates and charges authorised by the foregoing provisions of this Act the Corporation may demand and take the following charges in respect of the under-mentioned animals and vehicles upon any premises supplied by them with water (namely) :—

(a) In respect of every horse seven shillings and sixpence per annum ;

(b) In respect of every cow three shillings per annum ;

(c) In respect of every two-wheeled vehicle six shillings per annum ;

(d) In respect of every four-wheeled vehicle nine shillings per annum.

(2) Where water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Corporation may if a hose pipe or other similar apparatus is used (instead of making a charge under subsection (1) of this section) charge any additional sum not exceeding twenty shillings per annum and (where more motor cars than one are ordinarily kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first and any sum chargeable under the provisions of this section shall be recoverable in all respects with and as the water rate.

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55.—(1) Where any premises supplied with water are let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner.

Rates payable by owners of small houses.

(2) Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

56. Notwithstanding anything contained in section 70 (Rates to be paid quarterly in advance) of the Waterworks Clauses Act 1847 the Corporation may by resolution declare that their water rates and charges shall be payable at such date or dates as the Corporation may from time to time appoint :

Dates for payment of water rates.

Provided that no person shall be compellable to pay such water rates or charges for any longer period in advance than three months.

57.—(1) The Corporation shall not be bound to supply with water otherwise than by meter—

Supply to houses partly used for trade &c.

(a) Any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required ;

(b) Any workhouse hospital asylum or sanatorium ; or

(c) Any hotel restaurant public-house or inn.

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(2) Provided that the Corporation may require that the sum to be paid for any such supply by measure shall not be less than the sum which would have been chargeable in respect of such supply had the supply been given under the provisions of this Act which relate to the supply for domestic purposes otherwise than by measure and the charges therefor.

Price of
supply by
meter.

58.—(1) The price per thousand gallons to be charged for a supply of water by meter shall not exceed—

- (a) One shilling and sevenpence for the first 25,000 gallons per quarter;
- (b) One shilling and sixpence for the second 25,000 gallons per quarter;
- (c) One shilling and fivepence for the third 25,000 gallons per quarter;
- (d) One shilling and fourpence for the fourth 25,000 gallons per quarter;
- (e) One shilling and threepence for the next 150,000 gallons per quarter;
- (f) One shilling and twopence for the next 250,000 gallons per quarter;
- (g) One shilling and one penny for the next 500,000 gallons per quarter;

and for any quantity above 1,000,000 gallons per quarter the price of one shilling for each 1,000 gallons.

(2) Provided that for any smaller quantity of water supplied in any year through a pipe the size of which is not less than one and a half inches than the quantities mentioned in the following table the Corporation may charge for those quantities (namely):—

	Minimum quantity charged per annum.
(a) When the size is one and a half inches - - -	60,000 gallons.
(b) When the size exceeds one and a half inches and does not exceed two inches - - -	100,000 gallons.
(c) When the size exceeds two inches and does not exceed three inches -	200,000 gallons.
(d) When the size exceeds three inches - - -	400,000 gallons.

59.—(1) Whenever the total of the moneys received by the Corporation for the supply of water after the commencement of this Act shall exceed by more than two thousand pounds the total of the following sums (that is to say):—

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—
Reduction
in price of
water in
certain cir-
cumstances.

(a) the amount of the requisite appropriations instalments or sinking fund payments in respect of money borrowed for the purposes of the water undertaking;

(b) the amount of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Corporation consequent upon any proceedings by or against the Corporation their officers or servants in relation to the undertaking;

(c) the amount of any interest payable in respect of money borrowed by the Corporation for the purposes of the undertaking;

(d) the amount (if any) set aside in respect of the undertaking under the provisions of the section of this Act whereof the marginal note is "Reserve funds";

then the rates or charges for the supply of water to be made or charged in the next succeeding year shall be reduced to an extent equivalent to the amount of such excess over two thousand pounds:

Provided that if it appears from estimates in respect of the next succeeding year that the estimated total of the moneys to be received by the Corporation in respect of such next succeeding year will be less than the total of the said sums in respect of that year then the reduction in the rates or charges to be made shall be equivalent only to so much (if any) of the amount of such excess as would not be required to make the said totals equivalent.

(2) The Corporation shall keep an account and prepare an estimate for the purposes of this section so as to show under separate headings the several items mentioned herein.

60.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and

Byelaws
for
preventing
waste &c. of
water.

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strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this Act referred to as "water fittings") to be used and may forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rates in respect of the premises are recoverable.

Power to
supply
fittings.

61.—(1) The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him whether by way of sale or hire and repair or alter but shall not manufacture any such water fittings as are required or permitted by their byelaws and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Corporation for the sale or hire of such materials and for executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be:

Provided that such fittings other than meters have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

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(3) Provided that—

(a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(b) Every sum charged by the Corporation in respect of the provision of such fittings or the fixing repairing or removal thereof shall be clearly stated in every demand note rendered by the Corporation to the consumer;

(c) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

(4) Any payment due to the Corporation for the sale or hire of such fittings or materials or for executing such work may be recovered summarily as a civil debt provided the amount thereof does not exceed twenty pounds.

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

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

(2) If the owner of any house supplied with water by the Corporation when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Corporation may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from such owner.

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—
Maintenance of
common
pipe.

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

Power to
Corporation to
repair communication
pipes.

65.—(1) If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property or to the health of any person it shall be lawful for the Corporation by or under the direction of their duly authorised officer to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and where any such injury or defect has been found to exist the expense incurred by the Corporation for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

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

Power to
person
liable to
maintain
pipes &c.
to open
ground.

66.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 or under any other Act relating to the Corporation to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

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67.—(1) The Corporation may by written notice to the owner of any house in the borough supplied with water by means of a standpipe require within a month from the date of the notice the removal of any such standpipe and the substitution to the reasonable satisfaction of the Corporation of a separate supply to each of the houses previously supplied by means of such standpipe and the Corporation shall contribute a sum not exceeding one-third of the reasonable cost incurred by the owner in any such removal or substitution and any sum so contributed shall be defrayed out of the revenue of the water undertaking.

Power to
require
removal of
standpipes.

(2) If the owner of any house fails to comply with the notice under this section the Corporation may themselves do the work necessary in that behalf and may recover two-thirds of the cost incurred by them in so doing from the owner.

68. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to
Corpora-
tion of
connecting
or dis-
connecting
meters.

69.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service

Meters may
be placed in
streets to
measure
water or
detect
waste.

A.D. 1923.

pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere with temporarily public and private streets sewers gas or water pipes electric lines wires and apparatus.

(2) Provided that the Corporation shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) Provided also that the Corporation shall not enter upon break up or interfere with the railways or works or any street or road or any electric lines wires or apparatus belonging to or maintained by a railway company without the consent of that company or unreasonably interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

Notice of
discon-
tinuance.

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

Cleansing
of cisterns.

71. The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles in the borough for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man.

Injuring
meters &c.

72.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation

may in addition thereto recover the amount of any damage sustained by them. A.D. 1923.

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

73. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off or interfere with any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty
for closing
valves and
apparatus.

74.—(1) The Corporation and any local authority company or person may enter into and carry into effect agreements for and in relation to the supply of water by the Corporation beyond the water limits to any such authority company or person respectively in bulk for

Contracts
for supply
of water
in bulk.

A.D. 1923. any purpose and for such remuneration and on such terms and conditions as may be agreed upon.

(2) Provided that—

(a) a supply of water under this section shall not be given beyond the water limits except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits;

(b) nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the water limits.

Supply in rural district and by rural council.

75.—(1) The Corporation may with the consent of the rural district council supply water to the owner or occupier of any house or premises within the rural district and beyond the water limits and not within the limits of supply of any company empowered by Act of Parliament or Provisional Order confirmed by Act of Parliament to supply water on such terms and conditions and for such period or periods as the Corporation and such owner or occupier from time to time agree.

(2) The Corporation and the rural district council may enter into and carry into effect contracts and agreements for the supply of water in bulk by the rural district council to the Corporation.

As to supply of water to Brampton and Walton.

76. The terms and conditions contained in the Second Schedule shall apply and have effect with regard to the supply of water by the Corporation within the urban district of Brampton and Walton.

Joint committee for water purposes.

77. For the purpose of water supply the Corporation and the rural district council may subject to the provisions of section 57 (Joint committees) of the Local Government Act 1894 appoint a joint committee. Provided that in the application of that section to such joint committee subsection (3) thereof shall be read and have effect as if the words "the rural district council" were inserted therein in lieu of the words "any of the councils who appointed it."

PART V.

A.D. 1923.

TRAMWAYS TROLLEY VEHICLES AND OMNIBUSES.

Tramways.

78. The tramways undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held used and enjoyed by them.

Tramways undertaking to continue vested in Corporation.

79.—(1) The Corporation may make form construct lay down work use repair maintain and renew the tramways or any of them and so far as regards the new tramways in the lines and according to the levels shown on the deposited plans of 1914 together with all proper and convenient rails plates sleepers channels pipes conduits tubes passages for ropes cables lines pits underground chambers shafts manholes dynamos junctions turntables turnouts crossings passing-places triangles pillars posts poles brackets wires waiting rooms stables carriage-houses generating transformer and other stations engine-houses sheds buildings works appliances and conveniences in over or under ground connected therewith or for the purpose thereof and may equip the same with the necessary plant and rolling stock and the Corporation may take up remove and alter the position of any existing tramways and the rails and other works connected therewith which it may be necessary to take up remove or alter for the purposes of laying down the new tramways Provided that nothing in this Part of this Act 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 to undertakers to alter position of pipes and wires) of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

Power to make maintain and use tramways.

The new tramways will be situate in the borough and are as follows :—

Tramway No. 1 (A single line 3 furlongs 0·3 chain or thereabouts in length and forming with the existing tramway a double line between the points of commencement and termination) situate in the Sheffield Road commencing at the junction of that road with Newbold Road by a junction with the existing tramway and terminating by a junction

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with the existing tramway at a point 2·88 chains or thereabouts north of the entrance to the Christ Church;

Tramway No. 2 (A single line 3 furlongs 2·73 chains or thereabouts in length and forming with the existing tramway a double line between the points of commencement and termination) situate in the Sheffield Road commencing by a junction with the existing tramway at a point 3·78 chains or thereabouts north of Dark Lane and terminating by a junction with the existing tramway at a point 5·13 chains or thereabouts south of its terminus at Whittington Moor.

New tramways to be subject to byelaws.

80. The byelaws and regulations applicable to the existing tramways of the Corporation and made in pursuance of the recited Acts and the enactments incorporated therewith shall so far as such byelaws and regulations are applicable extend and apply to the new tramways.

Gauge of tramways.

81.—(1) The tramways shall be constructed on a gauge of four feet eight and a half inches or such other gauge as may from time to time be approved by the Minister of Transport but carriages or trucks adapted to run on railways shall not be run thereon.

(2) In the event of the tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 (Power for promoters to use tramways with flange-wheeled carriages &c.) of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine shall exceed six feet six and a half inches in width or such other width as may from time to time be prescribed by the Minister of Transport.

Rails of tramways.

82. The rails of the tramways shall be such as the Minister of Transport may approve.

Plan of proposed mode of construction.

83. In addition to the requirements of section 26 (Power to break up streets &c.) of the Tramways Act 1870 the Corporation shall before commencing the construction laying down and renewal of any of the tramways or of any part thereof lay before the Minister of Transport a plan showing the proposed mode of constructing laying

down and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down and renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Minister of Transport and after such approval the works shall be executed in accordance in all respects with such plan and statement :

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Provided that the word " materials " in this section does not include materials used for paving any part of any street or road under the provisions of the Tramways Act 1870 or of this Act.

84.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 (Repair of part of road where tramway is laid) of the Tramways Act 1870 they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Penalty
for not
maintaining
rails and
roads.

(2) In case it is represented in writing to the Minister of Transport by twenty inhabitant ratepayers of the borough that the Corporation have made default in complying with the provisions of this section or with any of the requirements of section 28 of the Tramways Act 1870 the Minister of Transport may if he thinks fit direct an inspection by an officer to be appointed by him and if the officer reports that the default has been proved to his satisfaction then and in every such case a copy of that report certified by a secretary or an assistant secretary of the Ministry of Transport may be adduced as evidence of the default and of the liabilities of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

85. If and whenever after the commencement of this Act the road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Corporation may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Tramways
to be kept
on level of
surface of
road.

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Power to
make
additional
cross-overs
and to
double
tramway
lines.

86.—(1) Notwithstanding anything contained in this Act the Corporation with the consent of the Minister of Transport may—

- (a) make maintain alter and remove such cross-overs passing places sidings junctions and other works with reference to any of the tramways as they find necessary or convenient for the efficient working of those tramways or for forming junctions with other tramways or light railways or for providing access to any warehouses stables or carriage-houses or works of the Corporation or to any lands or premises adjoining or near to the street in which any of the tramways is laid;
- (b) lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways either when constructing the tramways or at any time thereafter; and
- (c) construct or take up and reconstruct any of the tramways in such position in the road in which it is authorised to be constructed as they may think fit.

(2) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between such rail and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid (except with the consent of the Minister of Transport) if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

Cross-overs
to be con-
structed in

87. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the

nearest rail of the tramway than nine feet six inches the Corporation shall if and where required by the Minister of Transport construct a cross-over or cross-overs connecting the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

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certain cases.

88. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the tramways is laid it shall in the opinion of the Corporation be expedient temporarily to remove or discontinue the use of the tramway or any part thereof the Corporation may construct in the same or any adjacent road and (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways.

89. The Corporation may increase the roadway of any street or road in which any of the tramways is authorised to be laid by reducing the width of the footpath on each or either side of such street or road. Provided that no footpath be so reduced in width as to be less than five feet wide.

Corporation may reduce footpath for constructing tramways.

90. Any paving metalling or material excavated by the Corporation in the construction of any works under the authority of this Part of this Act from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Application of road materials excavated in construction of works.

91. The new tramways shall be completed within five years from the thirty-first day of December nineteen hundred and twenty-three and on the expiration of that period the powers by this Act granted for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of tramways.

92. No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by an officer appointed by the Minister of Transport.

Inspection by Minister of Transport.

93.—(1) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand

Power to Corporation to

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—
work
tramways.

and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power but nothing in this section shall empower the Corporation to create or permit a nuisance or to manufacture any such plant appliances and conveniences required for the working or user of the tramways.

(2) The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Motive
power on
tramways.

94. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Minister of Transport:
- (2) The Minister of Transport shall make regulations (in this Act referred to as "the mechanical power regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power:
- (3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the mechanical power regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a daily penalty not exceeding five pounds:
- (4) The Minister of Transport if he is of opinion—
 - (a) That the Corporation or such company or person have or has made default in complying with the provisions of this Act or of

the mechanical power regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

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(b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Minister of Transport may impose and the Corporation or such company or person shall comply with every such order. In every such case the Minister of Transport shall make a special report to Parliament notifying the making of such order.

95.—(1) Subject to the provisions of this Act the Minister of Transport may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

Byelaws
by Minister
of Trans-
port.

- (a) For regulating the use of any bell whistle or other warning apparatus fixed to the engines or carriages;
- (b) For regulating the emission of smoke or steam from engines used on the tramways;
- (c) For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Minister of Transport may deem proper for securing safety;
- (d) For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;
- (e) For providing for the due publicity of all byelaws and mechanical power regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

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(2) Any person offending against or committing a breach of any of the byelaws made by the Minister of Transport under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

As to
electrical
works &c.

96. The Corporation may in under or over the surface of the streets or roads in which the tramways are situate or in which it may be necessary so to do in order to connect the tramways with any generating station construct lay down erect maintain renew and repair electric wires conductors poles posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working the tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder:

Provided that—

(1) No post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport:

(2) No conductors posts tubes boxes and other electrical apparatus shall be constructed or laid in or upon any street road or bridge belonging to a railway company except with the consent in writing of that company (which consent shall not be unreasonably withheld) and no such works shall be constructed or laid down so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

Apparatus
used for
mechanical
power to
be deemed
part of
tramways.

97. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of the tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the tramways.

Attachment
of brackets
to buildings.

98.—(1) The Corporation may with the consent of the owner of any building wall or bridge attach to such

structure such brackets wires and apparatus as may be required for the working of the tramways by mechanical power Provided that— A.D. 1923.

(a) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the structure 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;

(b) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after that owner ceases to be in possession of the building wall or bridge 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 court of summary jurisdiction shall have the same powers as under proviso (a);

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

(2) For the purpose of this section any occupier of a building wall or bridge 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.

(3) Notwithstanding anything contained in this section no brackets wires or apparatus shall be attached to any building wall or bridge belonging to or forming part of the railway or canal undertaking of a railway company without the previous consent in writing of that company or if in the opinion of an engineer to be appointed on the application of either party by the

A.D. 1923. President of the Institution of Civil Engineers such consent is unreasonably withheld the consent of such engineer.

Special provisions as to use of electrical power.

99. The following provisions shall apply to the use of electrical power under this Part of this Act unless such power is entirely contained in and carried along with the carriages :—

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the mechanical power regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Corporation shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of

other parties and the currents therein as may be prescribed by the mechanical power regulations and in prescribing such means the Minister of Transport shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

- (5) The provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Minister of Transport or at his option by an arbitrator to be appointed by him and the costs of such determination shall be in the discretion of the Minister or of the arbitrator as the case may be :
- (7) The Corporation using electrical power contrary to the provisions of this Act or of the mechanical power regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a daily penalty not exceeding five pounds Provided always that whether any such penalty has been recovered or not the Minister of Transport if in his opinion the Corporation in the use of electrical power under the authority of this Act have made default in complying with the provisions of this Act or the mechanical power regulations may by order direct the Corporation to cease to use electrical power and thereupon the Corporation shall cease to use electrical power and shall not again use the same unless with the authority of the Minister of Transport and in every such case

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the Minister of Transport shall make a special report to Parliament notifying the making of such order :

- (8) The expression "Corporation" in this section shall include lessees licencees and any person owning working or running carriages over any of the tramways.

Alteration
of tele-
graph lines
of Post-
master-
General.

100. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Part of this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 (Provision as to gas and water companies) of the Tramways Act 1870) to any such alteration.

For
protection
of Post
Office
telegraph
lines.

101. In the event of any of the tramways being worked by electricity the following provisions shall have effect :—

- (1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the

telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

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- (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration :
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the mechanical power regulations :

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- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds or if the telegraphic communication is wilfully interrupted to a penalty not exceeding fifty pounds and to a daily penalty not exceeding fifty pounds :
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a penalty under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act ;
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Minister of Transport on the application of either party whose decision shall be final and sections 30 to 32 both inclusive

of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act : A.D. 1923.

- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression " the Corporation " includes their lessees and any person owning working or running carriages on any of the tramways.

102.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions—

Use of
tramway
posts by
Post-
master-
General.

- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways :
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided :
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening

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

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

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by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided :

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

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramways or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the

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Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "Corporation" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

Use of
tramways.

103. The tramways may be used for the carriage of passengers animals goods minerals articles and things but the Corporation shall not be bound unless they think fit to carry any animals goods minerals articles or things other than personal luggage as hereinafter provided.

Passengers'
fares.

104. The Corporation may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding three halfpence per mile and in computing the said fare any fraction of a mile shall be deemed a mile.

As to fares
on Sundays
and
holidays.

105. The Corporation shall not take or demand on Sundays or on any public holiday any higher fares or charges than those levied by them on ordinary weekdays.

Cheap
fares for
labouring
classes.

106.—(1) The Corporation at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of cars for artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one penny for every mile or fraction of that distance. On Saturdays the Corporation in lieu of running such cars after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Minister of Transport that such proper and sufficient service is not provided the Minister after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to him to be reasonable.

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(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

107. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage be carried by hand and at the responsibility of the passenger and shall not occupy any part of a seat required for a passenger nor be of a form or description to annoy or inconvenience other passengers.

Passengers'
luggage.

108. Subject to the provisions of the preceding section of this Act the Corporation may demand and take for all animals goods minerals and parcels conveyed upon the tramways or any part thereof such charges as they shall think fit not exceeding such maximum charges as may from time to time be approved by the Minister of Transport.

Charges for
goods.

109.—(1) If at any time after three years from the commencement of this Act or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Minister of Transport by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Minister of Transport may (if he thinks fit) direct an inquiry by a referee to be appointed by him in accordance with the provisions of the Ministry of Transport Act 1919 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the Minister may subject to the maximum fares authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the

Periodical
revision of
fares and
charges.

A.D. 1923. — tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Transport made in pursuance of this section.

(2) Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Ministry in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

Removal
of obstruc-
tions.

110. If any obstruction to the traffic on any of the tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Corporation may so remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction.

Supply of
electricity.

111.—(1) The Corporation may supply electricity for any of the purposes of this Part of this Act and may enter into and carry into effect agreements with any local authority company body or person for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say):—

- (a) The supply to the Corporation by any such local authority company body or person or any of them of electricity for working the tramways and lighting the carriages used thereon whether such working and lighting is or is not situate wholly or partly beyond the borough or district of the contracting parties:
- (b) The payments to be made or other considerations to be given in respect of any such supply of electricity.

(2) For the purpose of such supply the Corporation may subject to the provisions of the schedule to the

Electric Lighting (Clauses) Act 1899 relating to the breaking up of streets so far as the same are applicable lay pipes tubes and wires from any generating station substation or other works from or to the overhead equipment or other apparatus works or conveniences in under over across or along any street or road (including the footpaths thereof) bridge footpath or public place in the borough or in any district or parish in which the overhead equipment will be or is situate or in which any other apparatus works or conveniences as aforesaid are situate.

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(3) The laying of pipes tubes and wires under the powers of this section shall for the purposes of subsection (5) of the section of this Act whereof the marginal note is "For protection of the London Midland and Scottish Railway Company" be deemed to be works by this Part of this Act authorised.

(4) All provisions for the protection of the telegraphic lines of the Postmaster-General which are contained in this Act or in any other Act of the Corporation and all such provisions contained in the Acts or Orders (if any) of any such local authority company body or person as aforesaid shall apply to any supply of electricity under this section or any agreement made under this section and any works executed for the purpose of such supply.

112.—(1) The Corporation on the one hand and any local authority company body or person owning or working any tramways which may now or hereafter be connected with any tramways of the Corporation on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

Working
agreements
for tram-
ways.

- (a) The formation of junctions between the tramways of the contracting parties :
- (b) The leasing working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom :
- (c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of

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the tramways of rolling stock necessary for the purposes of such agreement and the employment of officers and servants :

- (d) The supply of motive power :
- (e) The payments to be made and the conditions to be performed with respect to the matters aforesaid :
- (f) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the contracting parties.

(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways of the other the tramways of the parties so contracting shall for the purposes of calculating maximum fares and charges in respect of conveyance partly over the tramways of the one party and partly over those of the other be considered as one tramway.

(3) In this section the word "tramways" includes light railways.

Agreements
with
adjoining
owners.

113. The Corporation may enter into and carry into effect agreements and arrangements with the owners lessees or occupiers of any lands adjoining or near to the tramway routes with reference to the construction and maintenance by the Corporation or by those owners lessees or occupiers of sidings junctions works and conveniences for the accommodation and benefit of those owners lessees or occupiers either on the lands owned by leased to or occupied by them or on the lands of the Corporation Provided that the Corporation shall not create or permit a nuisance on any such lands.

Byelaws
by local
authority.

114. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the regulations of the Minister of Transport.

Use of
tramways

115.—(1) The Corporation may in such manner as they think fit use the tramways for sanitary purposes and

for the conveyance of scavenging stuff nightsoil road and sewer material coal pipes and any other materials required for or arising at the works of the Corporation and may for such purposes with the consent of the Minister of Transport form connections between any yards or works belonging to the Corporation and any of the tramways.

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—
for
sanitary
purposes.

(2) Provided that in the construction of such connections as aforesaid no rail shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice of their intention express their objection thereto.

116. Notwithstanding anything in this Act contained the provisions of this section shall apply for the protection of the county council:—

For pro-
tection of
county
council.

(1) Where in accordance with the section of this Act the marginal note whereof is "Gauge of tramways" the tramways are constructed on any main road with a less gauge than four feet eight and a half inches the distance "nine feet six inches" wherever mentioned in this Part of this Act in regard to the space which is to intervene between the outside of the footpath and the nearest rail of the tramway shall not be calculated from the outside of the footpath up to the nearest rail of the tramway but shall be calculated so as to provide that the full distance between the outside of the footpath and the extreme limit of the carriage running on the tramway shall at no time be less than eight feet seven inches:

Provided that the provisions of this subsection shall not apply to the places shown as "narrow places" on the deposited plans referred to in the Chesterfield Corporation Tramways and Improvements Act 1904:

(2) For the purpose of arriving at the annual sum which will be payable by the county council to

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the Corporation in respect of portions of roads not occupied by tramways thereon the Corporation shall keep their accounts in respect of their expenditure upon such portions of the said roads separate from the accounts of their expenditure upon the portions of roads which they are liable to repair under section 28 of the Tramways Act 1870 and the county council shall be entitled to examine such accounts and to be supplied with copies of the same:

- (3) If any question arises under this section between the Corporation and the county council that question shall be referred to and determined by an arbitrator to be appointed on the application of either party by the Minister of Transport.

For protection of the London Midland and Scottish Railway Company.

117. For the protection of the London Midland and Scottish Railway Company (hereinafter in this section called "the company") the following provisions shall apply and have effect:—

- (1) So much of the tramways as crosses the railway and property of the company on the level shall be so maintained as not in any manner to obstruct or impede the traffic on the railway of the company:
- (2) Whenever and so often as the company shall require to widen or alter their railways and it shall be necessary for effecting any of such purposes that the working and user of any of the tramways should be wholly or partially stopped or delayed or that such tramways should be temporarily diverted or wholly or in part taken up or removed and shall except in cases of emergency give to the Corporation fourteen clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Corporation and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as it may be absolutely necessary for effecting such purpose and the

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company shall not be liable for any compensation claims and demands charges costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :

- (3) In the event of any of the telegraphic telephonic or electrical signal communications of the company being at any time injuriously affected by the working and use of the tramways by electricity the Corporation shall at their own expense execute such remedial works as may be necessary for the protection of the company any difference arising between the Corporation and the company regarding such remedial works to be determined by arbitration as hereinafter provided :
- (4) All works which may be necessary in maintaining any of the tramways or working the same by mechanical power over the railway shall be maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the company in such manner and according to plans sections and specifications to be previously submitted to and reasonably approved by him :
- (5) The Corporation shall be responsible for and make good to the company all costs damages and expenses which may be occasioned to the company or to their railway works and property by reason of the execution and use of the works of the Corporation by this Part of this Act authorised and of the tramways as existing at the commencement of this Act or the failure thereof :
- (6) Any dispute or difference that may arise between the company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be agreed on between the parties or failing agreement to be nominated by the Minister of Transport on the application of the Corporation or the company :

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(7) The provisions of this section shall extend and apply to any trolley vehicles used along any road in which the tramways referred to in this section have been constructed and to the apparatus for working such vehicles.

Trolley Vehicles.

Power to
use trolley
vehicles.

118. The Corporation may with the consent of the Minister of Transport and subject to such conditions as he may impose provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same along any road along which they are at the commencement of this Act authorised to construct or use tramways.

Rails of
tramway
to be
removed
in certain
cases.

119. If at any time it is proved to the satisfaction of the Minister of Transport that the Corporation have for a period of twelve months ceased to run carriages on any tramway laid down on any road upon which trolley vehicles are run under the powers of this Act the Minister of Transport may if he thinks it expedient in the circumstances of the case by order direct the Corporation within such time and subject to such conditions as he may specify to remove the rails of such tramway from the surface of the road and leave the portion of the road upon which such rails were laid in good repair and condition. If the Corporation act in contravention of or fail to comply with any of the provisions of such order the Corporation shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Electrical
works.

120.—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are or may be authorised to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and in this Act open and break up any such

street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working the trolley vehicles :

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Provided that no post or other apparatus shall be erected upon the carriageway of any public street or road except with the consent of the Minister of Transport.

(2) The Corporation may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided by them for working tramways in streets or roads along which they are or may be authorised to run trolley vehicles.

121. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working the trolley vehicles and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Corporation to have exclusive right of using apparatus.

122.—(1) The following provisions of the Tramways Act 1870 incorporated with this Act shall so far as the same are applicable apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways :—

Application of Tramways Act 1870 to trolley vehicles.

- | | |
|------------|---|
| Part II. | (Relating to the construction of tramways) except sections 25 28 and 29 ; |
| Section 46 | (Byelaws by local authority Promoters may make certain regulations); |
| Section 47 | (Penalties may be imposed in byelaws); |
| Section 48 | (Power to local authority to license drivers conductors &c.); |
| Section 49 | (Penalty for obstruction of promoters in laying out tramway); |
| Section 51 | (Penalty on passengers practising frauds on the promoters); |
| Section 53 | (Penalty for bringing dangerous goods on the tramway); |

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- Section 55 (Promoters or lessees to be responsible for all damages);
 Section 56 (Recovery of tolls penalties &c.);
 Section 57 (Right of user only);
 Section 60 (Reserving powers of street authorities to widen &c. roads); and
 Section 61 (Power for local or police authorities to regulate traffic in roads).

(2) Nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept.

Application
of pro-
visions of
this Act to
trolley
vehicles.

123. The sections of this Act the marginal notes of which are hereinafter stated shall so far as applicable apply to the trolley vehicles authorised by this Act and in the application of those sections the same shall be read and have effect as if the said trolley vehicles were carriages used on the tramways:—

- Inspection by Minister of Transport;
- Motive power on tramways;
- Byelaws by Minister of Transport;
- Apparatus used for mechanical power to be deemed part of tramways;
- Attachment of brackets to buildings;
- Special provisions as to use of electrical power;
- Alteration of telegraph lines of Postmaster-General;
- For protection of Post Office telegraph lines;
- Use of tramway posts by Postmaster-General;
- Use of tramways;
- Passengers' fares;
- As to fares on Sundays and holidays;
- Cheap fares for labouring classes;
- Passengers' luggage;
- Charges for goods;
- Periodical revision of fares and charges;
- Removal of obstructions;
- Supply of electricity;
- Working agreements for tramways;
- Agreements with adjoining owners;
- Use of tramways for sanitary purposes.

Duties on
licences

124. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to

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be taken out for the trolley vehicles authorised by this Act as hackney carriages.

for trolley
vehicles.

125.—(1) The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of any of the provisions of the Motor Car Act 1903 (except subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection) and subject to that exception neither that Act nor the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

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

(2) The trolley vehicles authorised by this Act shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

126. The trolley vehicles authorised by this Act and the electrical equipment thereof shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport.

Approval
of trolley
vehicles by
Minister of
Transport.

127.—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 within the borough (other than the roads along which they are authorised to use trolley vehicles under the foregoing provisions of this Act) or without the borough upon any such road along which the Corporation are authorised by this Act to run omnibuses they may make application to the Minister of Transport (in this section called "the Minister") and the Minister is hereby empowered to make a Provisional Order authorising the use by the Corporation of trolley vehicles upon any road to which such application relates and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act :

Minister of
Transport
may
authorise
trolley
vehicle
routes.

Provided that the use of trolley vehicles on any road in a district outside the borough shall not be authorised

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without the consent of the local authority of such district but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister.

(2) No such application shall be entertained by the Minister unless the Corporation shall—

(a) have published once in each of two successive weeks in the months of October or November in some newspaper or newspapers circulating in the borough notice of their intention to make such application and have published once in one or other of the same months the like notice in the London Gazette;

(b) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the several streets or roads along which it is proposed to run trolley vehicles a notice of their intention to make such application;

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

(3) The Minister may prescribe the procedure with respect to any application for a Provisional Order under this section.

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

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

confirmation with or without amendment by such Act of Parliament a Provisional Order under this section shall not have any operation. A.D. 1923.

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

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

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

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

128. All subsisting regulations and byelaws relating to the tramways made in pursuance of the Tramways Act 1870 or of any other statutory enactment so far as the same are applicable shall with the necessary modifications apply to the trolley vehicles provided by the Corporation in pursuance of this Act. Tramway regulations to apply to trolley vehicles.

Omnibuses.

129. For the purposes of this Part of this Act the expression "road authority" means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road. Definition of road authority.

130.—(1) Subject to the provisions of this Act the Corporation may provide or maintain (but shall not Power to run omnibuses.

A.D. 1923. manufacture) and may run omnibuses within the borough and along the following routes :—

- (a) In the borough and the parishes of Hasland and Temple Normanton proceeding along Stephenson Place Holywell Street St. Mary's Gate Lordsmill Street and the Mansfield main road to the Lords Arms Inn at Temple Normanton;
- (b) In the borough the parishes of Hasland and North Wingfield and the urban district of Clay Cross along the Grassmoor Road to Grassmoor and North Wingfield and along Wingfield Lane to High Street Clay Cross;
- (c) In the borough the parishes of Wingerworth Tupton and Woodthorpe and the urban district of Clay Cross along the Derby main road through Wingerworth and Tupton to High Street Clay Cross;
- (d) In the borough and the parish of Brimington along Corporation Street Felkin Street the Chesterfield and Worksop main road to the Red Lion Inn at Brimington;
- (e) In the parishes of Brimington and Staveley from the termination of route (d) along the Chesterfield and Worksop main road to the Markham Hall in Staveley Market Place;
- (f) In the borough the parishes of Calow and Duckmanton and the urban district of Bolsover along Eyre Street the public highway from Chesterfield to Bolsover through Calow Arkwright Town Duckmanton to the Cavendish Hotel in the Market Place at Bolsover;
- (g) In the borough and the parish of Unstone along the Sheffield main road through the Brushes and Unstone to the Horse and Jockey Inn at Unstone.

(2) The Corporation may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of such omnibuses.

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

(4) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Corporation as if they were carriages used on tramways. A.D. 1923.

(5) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon such omnibuses or in or against any premises held by the Corporation in connection therewith.

(6) In section 20 (Further power to Chesterfield Corporation to run motor omnibuses) of the Sheffield Corporation Act 1920 the reference to section 11 of the Chesterfield Corporation Railless Traction Act 1913 shall be construed as a reference to the provisions of this section.

131. If the Corporation discontinue a service of omnibuses on any route outside the borough along which they are authorised by this Act to run omnibuses the Minister of Transport may on the application of any local authority within whose district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the Minister of Transport may by such order prescribe the powers of the Corporation under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Corporation under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease: Discontinu-
ance of
omnibus
service.

Provided that this section shall not apply or have effect in the event of the failure of the Corporation to continue to provide a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Corporation.

132.—(1) The county council shall as soon as reasonably practicable after receiving a notice in writing from the Corporation that they intend to run motor omnibuses along Church Street and High Street in the parish of Brimington widen those roads so as to provide As to
widening
of road for
omnibuses.

A.D. 1923. a carriageway of twenty feet in width at least and a footpath or footpaths of the same widths at least as exist at the commencement of this Act :

Provided always that if at any place the acquisition of a building is necessary for the execution of the said widenings the county council shall not be required to widen any road (including the footpath at the side thereof if any) to any greater extent than can be effected without such acquisition.

(2) Upon the county council carrying out the said widenings the Corporation shall contribute one-third of the cost thereof :

Provided that the Corporation shall not be required to contribute to the cost of acquiring any building for the purpose of any widening.

(3) If the widenings carried out by the county council under the provisions of this section involve an alteration of any telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as aforesaid and the county council shall be deemed to be undertakers within the meaning of that Act.

Fares and charges.

133.—(1) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport.

Any application for a revision of such maximum fares or charges may be made by the Corporation or by the local authority of any district in which such omnibuses are run.

Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

Where the Minister causes any such inquiry as aforesaid to be held all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the

amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown. A.D. 1923.

(2) Every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

(3) The Corporation may if they think fit carry on the omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but they shall not carry any other goods or animals.

134.—(1) The Corporation and any local authority empowered to run omnibuses in any district adjacent to the borough or in any district in which or adjacent to a district in which the Corporation are for the time being empowered to run omnibuses may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts under which such omnibus services are authorised. Working and other agreements.

(2) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the borough or on any route over which the Corporation are for the time being empowered to run omnibuses.

(3) The Corporation and any such local authority company body or person as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say) :—

(a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and

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take the fares and charges authorised in respect of such omnibuses;

(b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

(c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;

(d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus services as aforesaid.

(4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service lands depôts buildings sheds or property beyond the borough otherwise than with the consent of the local authority of the district within which such omnibus service lands depôts buildings sheds or property are situate. Provided that on complaint being made to the Minister of Transport that such consent is unreasonably withheld the Minister may if he thinks fit by order dispense with such consent.

Corporation
may lease
omnibus
powers.

135.—(1) The Corporation may with the sanction of the Minister of Transport and subject to the provisions of this Act by lease to be approved by the Minister of Transport demise to any local authority company body or person (in this section referred to as "lessees") the omnibuses provided under the powers of this Act and any depôts buildings and sheds used in connection therewith and the right of user of the same and of demanding and taking the fares and charges authorised by this Act.

(2) Notice of the intention to make such lease shall be published by the Corporation by advertisement and a copy of such lease shall be deposited according to the regulations contained in Part I. of Schedule C to the Tramways Act 1870 annexed and unless such notice is given and such copy deposited such lease shall not be approved by the Minister of Transport.

(3) Every such lease shall be made for a term or terms not exceeding twenty-one years. A.D. 1923.

(4) On the determination of any lease made under this section the Corporation may from time to time with the consent of the Minister of Transport by lease demise such rights for such further term or terms not exceeding in any case twenty-one years as the Minister may approve.

(5) Every such lease shall imply a condition of re-entry if at any time after the making of the same the lessees discontinue the working of the omnibuses so leased for the space of three months such discontinuance not being occasioned by circumstances beyond the control of the lessees for which purpose the want of funds shall not be considered a circumstance beyond their control.

General.

136. In the provisions of this Part of this Act hereinafter contained the expression "cars" means carriages used on the tramways the trolley vehicles of the Corporation and their omnibuses. Definition of cars.

137.—(1) The Conveyance of Mails Act 1893 shall extend and apply to all the tramways as if the same had been authorised by an Act of Parliament passed after the first day of January eighteen hundred and ninety-three and to the Corporation as the body or person owning or working such tramways. Conveyance of mails.

(2) The Corporation shall perform in respect of their trolley vehicles and omnibuses all such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

138. The Corporation may appoint stages upon any of the routes of their cars and may demand and take for every passenger travelling upon any such stage or any part thereof such fare as may be determined by the Corporation not exceeding the fare authorised to be taken by or in pursuance of this Act in respect of such stages. Power to appoint stages.

139. The fares rates and charges authorised by this Part of this Act shall be paid to such persons and at such places and in such manner and under such Payment of fares rates and charges.

A.D. 1923. regulations as the Corporation or the persons entitled to demand and take such fares rates and charges may appoint.

Through cars.

140.—(1) The Corporation may run through cars along any of their routes or any specified portion thereof and such cars shall be distinguished from other cars in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars a toll fare or charge not exceeding the maximum toll fare or charge authorised or charged for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car.

(2) Provided that during the running of such through cars the Corporation shall maintain a reasonably sufficient ordinary service.

Power to reserve cars for special purposes.

141.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Corporation may on any occasion run and reserve cars for any special purpose which the Corporation may consider necessary or desirable:

Provided that—

- (a) such cars shall be distinguished from other cars in such manner as may be directed by the Corporation;
- (b) during the running of special cars the Corporation shall maintain a reasonably sufficient ordinary service;
- (c) the Corporation shall not run special omnibuses except on routes on which they have for the time being power to run omnibuses.

(2) The Corporation may make byelaws for prohibiting the use of any such cars by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this or any other Act of the Corporation as to fares rates or charges for passengers shall not extend to any cars run under the powers of this section and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

142. For the better regulation of persons desiring to travel in the cars of the Corporation the Corporation may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may with the consent of the road authority use part of the highway and the Corporation may make byelaws requiring persons waiting to enter their cars at any stopping place or terminus to wait in lines or queues and to enter such cars in the order in which they stood in such line or queue.

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—
Power to
require
intending
passengers
to wait in
lines or
queues.

143.—(1) The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles and other vehicles at any depôt or building used by them in connection with the tramways undertaking and at any places on the routes of their cars and may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles and other vehicles.

Cloakrooms
&c.

(2) The Corporation may use for the purpose of this section portions of the public streets or roads but only with the consent of the road authority.

144. The Corporation may erect and maintain sheds shelters or waiting rooms and gangways for the accommodation of passengers on any route of their cars and may use for that purpose portions of the public streets or roads Provided that the powers of this section shall not be exercised without the consent of the road authority and (in the case of any street or road outside the borough) of the local authority of the district.

Shelters or
waiting
rooms.

145. The following provision for the protection and benefit of the railway companies (each of whom is in this section referred to as "the company") shall apply and have effect except in so far as may be otherwise agreed in writing between the Corporation and the company :—

For pro-
tection of
railway
companies.

Notwithstanding anything contained in this Act no shed shelter waiting room gangway cloakroom or room barrier or post shall be erected maintained or provided nor shall the Corporation require persons waiting at any stopping place or any terminus to wait in any line or queue so as to

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cause interference with or to render less convenient the access to or exit from any station depôt or property belonging to the company nor shall any such shed shelter waiting room gangway cloakroom room barrier or post be erected maintained or provided on any bridge carrying any street or road over the railways or canal of the company.

Provision
of depôts
&c.

146.—(1) The Corporation may erect or construct and hold depôts yards offices motor-houses buildings sheds works and other conveniences in connection with the tramways undertaking.

(2) Nothing in this Act shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them for the purposes of their said undertaking.

Lost
property.

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

Attachment
of signs
indicating
stopping
places to
lamp-posts
&c.

148.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of their cars signs or directions indicating the position of stopping places :

Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes. A.D. 1923.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to a railway company without their consent in writing which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport.

149. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of the tramways the trolley vehicles or the omnibuses of the Corporation anything which is calculated to obstruct or interfere with the working of such tramways trolley vehicles or omnibuses or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any of the tramways or the trolley vehicles of the Corporation shall be liable to a penalty not exceeding twenty pounds. Penalty for malicious damage.

150. Any byelaws made under this Part of this Act shall be made subject and according to the provisions of section 46 (Byelaws by local authority Promoters may make certain regulations) and section 47 (Penalties may be imposed in byelaws) of the Tramways Act 1870 and those provisions shall apply accordingly. Application of Tramways Act 1870 to byelaws.

151. All orders regulations and byelaws made by the Minister of Transport under the authority of this Act shall be signed by a secretary or an assistant secretary of the Ministry of Transport. Orders &c. of Minister of Transport.

152. Subject to the provisions of this Act where the consent or approval of any local or road authority Consents of local

A.D. 1923. is by this Part of this Act required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be determined by the Minister of Transport.

or road
authorities.

Accounts
to be
furnished to
Minister of
Transport.

153. 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 the tramways undertaking.

PART VI.

ELECTRICITY.

Electricity
undertaking
to continue
vested in
Corporation.

154. The electricity undertaking as it exists at the commencement of this Act shall continue to be vested in the Corporation and be held used and enjoyed by them.

Under-
takers.

155. The undertakers for the purposes of this Part of this Act and within the meaning of section 2 of the schedule to the Electric Lighting (Clauses) Act 1899 are the Corporation.

Application
of Electric
Lighting
(Clauses)
Act 1899.

156. The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act so far as the same are applicable for the purposes of this Act shall (subject as in this Act provided) apply to the electricity undertaking in all respects as though such undertaking had been originally authorised by this Act.

Area of
supply.

157. The electricity limits shall be the borough the parish of Hasland in the rural district and the urban district of Brampton and Walton.

Generating
station.

158.—(1) The Corporation may upon the lands hereinafter referred to continue maintain improve alter enlarge work and use their existing generating station together with such machinery engines works matters or things of whatever description as may be required by the Corporation to enable them to supply electricity.

(2) The lands referred to in subsection (1) of this section are situate in the borough and comprise the

Chesterfield generating station situate in Chatsworth Road containing an area of 2·17 acres or thereabouts. A.D. 1923.

(3) Provided that nothing in this section shall relieve the Corporation from the necessity for obtaining the consent of the Electricity Commissioners under section 11 of the Electricity (Supply) Act 1919 as amended by section 13 of the Electricity (Supply) Act 1922 to the establishment of a new or the extension of an existing generating station.

159.—(1) The maximum prices which may be charged by the Corporation as mentioned in section 32 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be as follows :— Maximum prices.

(a) Where the Corporation charge any consumer by the actual amount of electricity supplied to him they shall be entitled to charge him at the following rates per quarter—

For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence;

(b) Where the Corporation charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in paragraph (a) of this subsection the amount of electricity supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Corporation under any regulations made under the said schedule.

(2) In this section the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

160.—(1) No consumer to whom electricity is supplied by the Corporation for power purposes shall without the consent in writing of the Corporation use such electricity for lighting purposes or suffer it to be so used. Use for lighting purposes of electricity supplied for power.

A.D. 1923.

Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for power purposes shall be subject to a penalty not exceeding five pounds and to a daily penalty of forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may be for the time being charging for the supply of electricity for lighting purposes for all or any portion of the electricity which has been supplied to him for power purposes within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

Any court having jurisdiction to impose such penalty may and shall on the application of the Corporation decide as to what portion (if any) of such electricity the higher charge as aforesaid shall be payable to the Corporation.

(2) The provisions of section 18 of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

Discount on
electrical
charges.

161.—(1) 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 in 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.

(2) Provided that all discounts shall be of equal amount under like circumstances to all consumers.

Power to
construct
electrical
sub-
stations
under
streets.

162.—(1) Subject to the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may (but within the urban district of Brampton and Walton only with the consent of the council of that district) construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use sub-stations transforming stations and other

works in connection with the 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.

A.D. 1923.

(2) No sub-station transforming station or other works shall be constructed within a distance of twenty-five yards of any property of any railway company or within a distance of twenty-five yards from any entrance to any manufactory except with the consent in writing of that company or of the occupier of such manufactory as the case may be which consent shall not be unreasonably withheld. Any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Minister of Transport.

163.—(1) The Corporation may upon the application of the owner or occupier of any premises in the electricity limits abutting on or in process of erection in any street laid out or made and whether dedicated to public use or not supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the schedule to the Electric Lighting (Clauses) Act 1899 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.

Power to
lay electric
lines &c. in
private
streets.

(2) Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company nor shall the Corporation in carrying out the works authorised by this section obstruct or interfere with the convenient access to any such street.

164.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a

As to
maximum
power
which
may be
demanded.

A.D. 1923.

reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for his premises the sum to be so paid to be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the commencement of this Act of any right to which he would be entitled but for the said provisions.

Period of
error in
defective
meters.

165.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport 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.

(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.

Entry upon
premises
Penalty for
obstruction.

166.—(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) 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 the Corporation and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

167. The Corporation may if they think fit purchase provide sell let for hire and fix set up alter repair and remove and otherwise deal in (but not manufacture) lamps electric lines electric motors fittings apparatus and things for generating transforming distributing and utilising electricity and may provide all materials and do all work necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps electric motors electric lines fittings apparatus and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Corporation as the Corporation may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

A.D. 1923.

—
For supply
of electric
motors
fittings
apparatus
&c.

168. 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-connec-
tion.

169.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

Provisions
as to
supply of
electricity
by agree-
ment.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning

A.D. 1923. of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation:

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the commencement of this Act of any right to which he would be entitled but for the said provisions.

Byelaws
as to
apparatus
and fittings.

170. The Corporation may make byelaws for the purpose of preventing fire in any building or premises supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

Notice to
discontinue
supply of
electricity.

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

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

Receipts
and
expenses.

172.—(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.

(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 and shall be applicable accordingly.

173.—(1) Nothing in this Part of this Act shall in any way limit or affect the powers of the county council to rebuild alter widen or repair the structure of any bridge upon which any work by this Part of this Act authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the commencement of this Act.

A.D. 1923.

—
For protection
of county
council
under
Part VI. of
Act.

(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 by this Part of this Act authorised they shall prior to the commencement of such work give the Corporation one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Corporation of electricity it is in the opinion of the county surveyor 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 shall arise 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.

174. Nothing in this Part of this Act shall prejudicially affect the undertaking or powers of the Derbyshire and Nottinghamshire Electric Power Company under the Derbyshire and Nottinghamshire Electric Power Act 1901 in relation to any part of the areas which were by the Chesterfield (Extension) Order 1910 added to the borough as it existed immediately prior to the commencement of that Order or to that part of

For protec-
tion of
Derbyshire
and Notting-
hamshire
Electric
Power
Company.

A.D. 1923. — the borough which immediately before the Chesterfield (Extension) Order 1920 formed part of the parish of Brimington in the rural district and in relation to the said areas and to that part of the borough that Act shall continue to apply as if no consent of a distributing authority were required to enable the company to supply energy therein.

PART VII.

MARKETS FAIRS AND SLAUGHTER-HOUSES.

Definition
of tolls and
charges.

175. For the purposes of this Part of this Act the term "tolls" shall include stallages piccages or pennages and the term "charges" shall include all rents and charges other than stallages piccages or pennages.

Continu-
ance of
Corporation
markets.

176. The markets undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held and enjoyed by them.

Powers of
Corporation
as to
markets
and fairs.

177. The Corporation without prejudice to the generality of the provision of the last preceding section shall have the following powers in relation to the markets undertaking (namely)—

- (1) They may continue the markets and fairs held at the commencement of this Act and may from time to time alter the places at which the markets respectively are or may be held and may establish and hold new markets:
- (2) They may continue and from time to time provide market-places and market-houses for the sale of cattle and of any marketable articles and places for fairs together with all buildings offices approaches appliances conveniences and things as may be necessary or proper or incidental to the carrying on of any such matters:
- (3) They may provide and maintain weighing-houses and machines and all proper appliances for weighing carts and for weighing or measuring articles and may appoint and pay persons to attend to such weighing or measuring:
- (4) They may alter enlarge improve extend reconstruct and rebuild their existing market-house and market-hall or they may erect or provide

and maintain new buildings therefor and in connection with or as part of such market-house or market-hall or new buildings or any market-place or any of their markets or cattle markets or markets undertaking they may maintain and may erect or provide offices shops stores warehouses and other tenements or buildings and for the said purposes or any of them or for any purpose of any of their markets cattle markets or otherwise in connection therewith or with their markets undertaking they may subject to the approval of the Minister of Health appropriate and use any lands for the time being vested in or belonging to them.

A.D. 1923.

178. The Markets and Fairs Clauses Act 1847 (in this section referred to as "the Act of 1847") as incorporated with this Act shall apply to the markets undertaking as if the undertaking were authorised by this Act subject and according to the following provisions—

Application
of Markets
and Fairs
Act 1847.

- (1) The markets fairs market-places and market-houses of the Corporation existing at the commencement of this Act shall be deemed to have been duly opened for public use and completed fitted and certified for use of the persons resorting thereto and due notice of such opening shall be deemed to have been given within the meaning and for the purposes of and as prescribed by the Act of 1847:
- (2) The limits of the markets and fairs shall be the borough:
- (3) The byelaws for the regulation of the markets in operation at the commencement of this Act shall be deemed to be byelaws within the meaning of and for the purposes of sections 14 and 42 of the Act of 1847:
- (4) The tolls stallages rents and charges provided for by the section of this Act whereof the marginal note is "Tolls and charges" shall be deemed to be and shall be the stallages rents and tolls authorised by the special Act:

A.D. 1923.

(5) The time of the passing of the special Act within the meaning and for the purposes of the Act of 1847 shall be deemed to be and shall be the third day of July eighteen hundred and fifty-four.

Power to
lease stalls
shops &c.
in markets.

179. The Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of any of the stalls standing places benches or other conveniences in any market-house market-hall or market-place belonging to them or under their control to any person for any term not exceeding three years and may grant leases (with a similar right) of any office shop store warehouse tenement or building situate in any of their markets or forming part of or acquired or erected in connection with the markets undertaking to any person for any term not exceeding twenty-one years.

Use of
market
place for
public
meetings
&c.

180. The Corporation may permit any market-place or any land used for the purpose of any market or cattle market and any open land belonging to them adjoining thereto to be used for public meetings public services public speaking and public lectures and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto.

Removal
and exclu-
sion from
market of
animals not
fit for food
or suspected
of tuber-
culosis.

181. The market-keeper any officer of the market the sanitary inspector or any constable may remove and exclude from any market of the Corporation any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon shall be suspected by such surgeon to be affected with tubercular disease.

Tolls and
charges.

182.—(1) It shall be lawful for the Corporation to demand from any person occupying or using any stand stall shed station or place in the market-house market-hall or market-place or in any market-house or market-place or places of the Corporation existing at the commencement of this Act or to be constructed and established under the provisions of this Act or bringing into any such market-house market-hall or market-place

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or into the cattle-market of the Corporation any market-able commodity provisions animals articles or things specified in the first and second parts of the Fourth Schedule such tolls and charges as the Corporation shall from time to time appoint not exceeding the several tolls and charges specified in the said first and second parts of the Fourth Schedule:

(2) It shall be lawful for the Corporation or the persons for the time being appointed to attend the weighing-houses or places for weighing and measuring any article sold in the market-house market-hall market-place or cattle market or elsewhere within the limits of this Act by weight or measure from time to time to demand such charges as the Corporation may appoint not exceeding in any case the amount specified in the third part of the Fourth Schedule.

(3) It shall be lawful for the Corporation or the person for the time being appointed to attend the machines for weighing carts within the limits of this Act to demand from the person requiring the same to be weighed such charges as the Corporation may appoint not exceeding in any case the amount specified in the fourth part of the Fourth Schedule.

(4) The power conferred by this section with respect to the taking of tolls and charges shall be construed and shall extend to enable the Corporation at all times to demand and take tolls and charges as in this section provided in respect of any place appropriated to or used by the Corporation for the purpose of any market or cattle-market or of their markets undertaking.

(5) In place of all or any of the tolls and charges specified in the Fourth Schedule the Corporation may from time to time by resolution approved by the Minister of Health fix other tolls and charges and the tolls and charges so fixed by the Corporation shall thereafter be the maximum tolls and charges which the Corporation may demand and take for the several matters to which those tolls and charges respectively relate.

(6) The several tolls and charges payable in respect of any article animal or commodity shall be paid not only by the original seller but also by any subsequent seller or person who exposes such article animal or

A.D. 1923. commodity for sale and each such toll or charge shall be payable before any such article animal or commodity is exposed for sale.

(7) Any toll or charge payable with respect to the occupation of any stall standing shop bench site space of ground or other convenience or accommodation shall be paid not only by the original taker or occupier thereof for the part of a day or other time but also by any subsequent taker or occupier thereof for any other part of the same day or other time.

(8) The order of the Minister of Health dated the sixteenth day of July nineteen hundred and twenty-one approving certain tolls and charges is hereby annulled and such annulment shall be deemed to be the repeal of an enactment for the purposes of the Interpretation Act 1889.

Power to take possession of stalls for non-payment of rent.

183. If any tenant stall-holder or occupier shall not after any tolls or charges have 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 tolls or charges.

Power to purchase slaughter-houses.

184.—(1) The Corporation may by agreement purchase any slaughter-house and premises connected therewith or any part of such slaughter-house or premises or the Corporation may agree with the occupier of such slaughter-house or premises with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a slaughter-house and may remove such slaughter-house from the register of slaughter-houses.

(2) The purchase of such slaughter-house and premises and any arrangement as aforesaid for the discontinuance of the user thereof shall be deemed to be purposes of the Public Health Act 1875 and for the purposes of such purchase the Corporation may exercise the powers of borrowing conferred by that Act.

185.—(1) The Corporation may erect and maintain furnish fit up and equip slaughter-houses with all necessary buildings pens yards railway sidings works and conveniences approaches buildings stalls standings and other accommodation and may use the same for the purposes of slaughter-houses and any other purposes in connection with the markets undertaking.

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—
Power to
establish
slaughter-
houses.

(2) The Corporation may use for the purposes of this section the piece of land belonging or reputed to belong to the Corporation containing 10,352 square yards or thereabouts and bounded by Hipper Street on the northerly side by a footpath known as the Cattle Market Footpath on the southerly side by the footpath leading from Hipper Street to the subway under the Brampton branch of the Midland Railway on the easterly side and by the Cattle Market on the westerly side.

(3) The Corporation may lease for such period let or otherwise permit the use of in such manner and for such consideration and on such terms and conditions as they think fit portions of or accommodation in the slaughter-houses or lairages erected by them and for that purpose may enter into and carry into effect contracts arrangements and agreements with any company body or person.

186.—(1) The Corporation may make byelaws—

(a) with respect to the management of the slaughter-house undertaking; and

(b) for preventing the removal from any slaughter-house within the borough of any carcase or any part thereof until after inspection by an officer of the Corporation.

Byelaws
as to
slaughter-
houses.

(2) Provided that any byelaw made by the Corporation under this section for preventing the removal of any carcase or any part thereof until after inspection shall provide—

(a) That any person intending to slaughter any animal at any slaughter-house shall give to the medical officer such reasonable notice in writing as may with due regard to the requirements of the trade be prescribed in the byelaws of such his intention and of the day and hour on and at which the slaughtering is intended to take place; and

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(b) That if within such reasonable period after the notified hour of slaughtering as may with due regard to the requirements of the trade be prescribed by the byelaw an officer of the Corporation shall not have attended at the slaughter-house for the purpose of inspection the person giving the notice shall be entitled at any time after the expiration of such period to remove the carcase of the slaughtered animal without inspection.

Power to provide cold storage.

187. The Corporation may—

- (1) Construct and maintain in connection with any markets or public slaughter-houses established by them a refrigerator or cold air store with all machinery apparatus and appliances necessary for the proper working and user thereof and for the storage and preservation of meat and other articles of food :
- (2) Demand and take in respect of the use of any such refrigerator or cold air store such charges as the Corporation may determine :
- (3) Lease for any term not exceeding twenty-one years any such refrigerator or cold air store or any part thereof at such rent and on such terms and conditions as the Corporation may think fit :
- (4) Make byelaws with respect to the management of any such refrigerator or cold air store.

As to infected stables and other places.

188.—(1) Where the Corporation's veterinary surgeon has certified that any infectious or parasitic disease has appeared in any stable cowshed or other place within the borough where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Corporation may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after

the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

A.D. 1923.

PART VIII.

STREET IMPROVEMENTS.

189. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands shown on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the street improvements and other works in the borough hereinafter mentioned with all proper and necessary junctions connections approaches sewers drains works and conveniences in connection therewith (namely) :—

Power to
execute
street
improvements:

Work No. 1 A widening and improvement of High Street Old Whittington on both sides;

Work No. 2 A widening and improvement of St. Mary's Gate on both sides;

Work No. 3 A widening and improvement of Spa Lane on its northerly side;

Work No. 4 A widening and improvement of Church Lane on both sides;

Work No. 5 A widening and improvement of Vicar Lane on its northerly side;

Work No. 6 A widening and improvement of Knifemith Gate on its northerly side and of Cavendish Street on its westerly side;

Work No. 7 A widening and improvement of West Bars and New Square on the northerly side thereof;

Work No. 8 A new street commencing by a junction with Gluman Gate and terminating by a junction with Soresby Street;

Work No. 9 A widening and improvement of Boythorpe Road on its westerly side together with a diversion of the Holme Brook;

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Work No. 10 A widening and improvement of Storforth Lane on both sides;

Work No. 11 A new street commencing by a junction with Park Road and terminating by a junction with Tontine Road.

Limits of deviation.

190. 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 they may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards or downwards.

Power to make subsidiary works.

191.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with and for the purposes of this Part of this Act and as part of the works to be executed under the powers of this Act may execute or do any of the following works or things (namely):—

- (a) make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works authorised by this Part of this Act or any of them and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of such works;
- (b) raise lower or alter any vault arch cellar or area under or adjoining any roadway or footway but so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;
- (c) execute any works for the protection of any adjoining land or buildings;
- (d) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and
- (e) raise lower alter and interfere with any drain sewer channel or gas or water main or pipe or electricity wire or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain

or sewer or of any gas or water in any main
or pipe or of electricity or telephonic com-
munication in any wire or apparatus;

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and shall make compensation for any damage done
by them in the execution of the powers of this section.

(2) Provided that the Corporation shall not alter
divert or otherwise interfere with any telegraphic line
belonging to or used by the Postmaster-General except
in accordance with and subject to the provisions of the
Telegraph Act 1878.

192.—(1) The Corporation during the execution of
the powers of this Part of this Act may break up and
also temporarily stop up divert and interfere with any
street for the purpose of executing such powers and
may for any reasonable time prevent all persons other
than those bonâ fide going to or returning from any
house in the street from passing along and using the
same.

Temporary
stoppage
of streets.

(2) The Corporation shall provide reasonable access
for foot passengers bonâ fide going to or returning from
any such house and at all times during the execution
of any such powers shall maintain a proper and sufficient
access both for vehicular and pedestrian traffic to the
passenger and goods stations of a railway company
near to which any such power is being executed.

193. Any paving metalling or material excavated
by the Corporation in the construction of any works
authorised by this Part of this Act from any road under
their jurisdiction and control shall absolutely vest in
and belong to the Corporation and may be dealt with
removed and disposed of by them in such manner as
they may think fit.

Application
of road
materials
excavated
in con-
struction
of works.

194. All lands acquired by the Corporation under
this Act and laid into or appropriated as part of any
street shall form part of that street and shall be main-
tained and repaired in all respects as the rest of that
street is for the time being by law maintained and
repaired.

Land laid
into streets
to form
part
thereof.

195. Where any portion of any street or any
ground abutting on any street and dedicated to public use
becomes in the opinion of the Corporation in consequence

Streets
disused
vested in
Corporation.

A.D. 1923.

of the execution of Work No. 8 or Work No. 11 authorised by this Part of this Act no longer required for public use or for approach to any adjoining property the same shall if and so soon as the Corporation shall have become owners in possession of the land on both sides of the same be by virtue of this Act vested in the Corporation freed and discharged from all rights of public user thereof Provided that if any land be injuriously affected by such portion of any street or any such ground being so vested in the Corporation the Corporation shall make to the owner and occupier of such land compensation in respect thereof.

For protection of
London and
North
Eastern
Railway
Company.

196. The following provisions for the protection of the London and North Eastern Railway Company (in this section called "the company") shall unless otherwise agreed continue to apply and have effect (that is to say):—

- (1) The Corporation shall at all times maintain the bridge which carries St. Leonard's Drive over the railway of the company at its existing level and if and when the level of such bridge shall be lowered from any cause whatsoever the Corporation shall if called upon by the company so to do raise or lift the said bridge to the heights and levels above ordnance datum at which the bridge has been constructed under the powers of the Chesterfield Corporation Act 1914:
- (2) The Corporation shall at all times maintain the said bridge and the road over the same in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer for the time being 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 requisite in that behalf and the sum from time to time certified by the said principal engineer to be a reasonable amount of such expenditure shall be repaid to the company by the Corporation and in default may be recovered by them

from the Corporation with full costs in any court of competent jurisdiction: A.D. 1923.

(3) In the event of the company deciding to widen their railway they shall be entitled at the cost of the company to widen lengthen or alter the said bridge and the approaches thereto so as to afford a clear span of 58 feet over the railway and in that event the Corporation shall afford to the company all reasonable facilities for those purposes or any of them and the Corporation shall—

(a) at their own cost convey unto the company for the purposes of their railway and works their freehold interest (if any) in any lands within the limits of the widened bridge;

(b) contribute and pay to the company such proportion of the incidental cost of the works as shall be attributable to the said bridge having been widened so as to provide a roadway of forty feet in width:

(4) Any difference which may arise between the Corporation and the company under this section (other than any difference as to the proper interpretation thereof) shall be referred to an arbitrator to be appointed in default of agreement by the President for the time being of the Institution of Civil Engineers on the application of either party.

197. 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:—

For further protection of London Midland and Scottish Railway Company.

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not without the consent of the company enter upon take use purchase or acquire any part of the lands numbered upon the said plans 443 444 and 445 excepting such part as may be necessary for the construction of Work No. 9 by this Act authorised:

A. D. 1923:

- (2) The company shall have full rights of frontage from their adjacent lands to Boythorpe Road as widened by the construction of the said Work No. 9 :
- (3) All works of construction maintenance renewal or alteration executed under the powers of this Part 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 complete drawings 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 :
- (4) If within one month after the receipt of such drawings and specifications the company give to the Corporation notice that they desire themselves to execute any part of such works directly affecting the company's railway or property the company may themselves execute such part of such works and recover the reasonable cost thereof from the Corporation :
- (5) The construction of Work No. 9 by this Act authorised and the purchase by the Corporation of the lands numbered on the deposited plans 437 and 441 or any part of such lands shall be subject to the right of the company to maintain and work their existing railways across such lands and across the whole width of Boythorpe Road when widened All altered and additional gates lights and other appliances necessary for working such crossings as altered by the construction of the said Work No. 9 shall be provided at the reasonable cost of the Corporation and the Corporation shall at their own cost maintain the existing or any substituted bridges carrying the said railways over the River Hipper :
- (6) The Corporation shall on demand repay to the company the 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 :

- (7) If by reason of the execution or failure of any 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 :
- (8) 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 cost of such addition or alteration shall be repaid to the company by the Corporation :
- (9) The Corporation shall at their own cost at all times maintain all such works in good repair and condition to the reasonable satisfaction of the chief engineer of the company and if and whenever the Corporation fail so to do the company may make and do in and upon as well the lands of the Corporation as their own lands all such works repairs and things as may be reasonably necessary in that behalf and the expense thereof shall be repaid to the company by the Corporation :
- (10) If after Boythorpe Road has been widened by the construction of the said Work No. 9 the company apply for power to lay an additional line of rails adjoining the level crossing of the company's Brampton branch siding across the

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road in accordance with terms and conditions which shall have been agreed between the Corporation and the company or which failing such agreement shall have been determined by arbitration the Corporation shall not oppose the application :

- (11) 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.

PART IX.

BURIAL GROUNDS.

Existing
burial
grounds
to be
continued.

198. All burial grounds vested in belonging to or used or enjoyed by the Corporation immediately before the commencement of this Act shall be and continue to be so vested in and used and enjoyed by the Corporation as the burial board under the Burial Acts 1852 to 1906.

Corporation
to be burial
board for
borough.

199.—(1) The Corporation shall be the burial board for the borough and shall have within the borough to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906 Provided that no approval sanction or authorisation of the vestry of the township of Chesterfield shall be required in respect of any act of the Corporation as the burial board as aforesaid.

(2) In relation to any existing burial ground provided for the borough—

Nothing in this Act shall prejudice or affect any such right of burial or of constructing a place of burial or of erecting and placing any monument grave-stone tablet or monumental inscription as a parishioner an inhabitant or any other person had or acquired before the ninth day of November nineteen hundred and twenty; and

Nothing in this Act shall prejudicially affect any right privilege authority or duty which immediately before the ninth day of November nineteen hundred and twenty was exerciseable by or attached to any incumbent or sexton under the Burial Acts 1852 to 1906.

(3) The rural district council shall continue to permit the inhabitants of that part of the borough which prior to the ninth day of November eighteen hundred and ninety-two formed part of the parish of Hasland to be buried in the cemetery provided for the contributory place of Hasland as if the said part of the borough continued to form part of the parish of Hasland and at the same charges as are made in respect of interments of persons residing in the remainder of that contributory place.

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PART X.

PUBLIC BUILDINGS PARKS RECREATION GROUNDS AND
BATHS.

200. The Stephenson Memorial Hall municipal hall and offices public buildings police offices and stations and any other building belonging to the Corporation and used for the purpose of any Act of Parliament or any other public purpose shall be and continue vested in the Corporation and the Corporation may maintain alter improve and enlarge the same and may erect acquire or provide other municipal or police buildings and may for such purposes acquire by agreement and hold lands and may provide such additional or other buildings in connection therewith and may furnish and equip maintain insure and carry on the same as they may think fit.

Public
buildings.

201. The Corporation may provide or acquire or may on any pleasure ground or subject to the approval of the Minister of Health on any lands of which for the time being they may be the owners erect and construct or allow to be erected and constructed and hold furnish equip maintain insure and carry on public halls pavilions bandstands assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms shelters ante-rooms refreshment rooms kitchens cloakrooms lavatories conveniences and appurtenances and may for any such purposes maintain alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings.

Power to
provide
public
buildings
&c.

A.D. 1923.

Provision
of enter-
tainments
and letting
of Stephen-
son
Memorial
Hall or
other
buildings.

202.—(1) The Corporation may arrange for the provision or carrying on of suitable concerts entertainments exhibitions performances and amusements and for the sale of programmes and refreshments in the Stephenson Memorial Hall or in any public buildings halls or rooms belonging to them and may make such reasonable charges as they may think fit for admission thereto and the Corporation may let any such premises as aforesaid for the purposes of such concerts entertainments exhibitions performances 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 or upon the like terms and conditions they may lease any such premises for any term not exceeding twenty-one years :

Provided that any letting other than for a period of less than one month under this section of any building for the purpose of an entertainment shall be by tender and the Corporation shall secure the best rent reasonably obtainable.

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

Existing
parks to be
continued.

203. All parks vested in belonging to or used or enjoyed by the Corporation immediately before the commencement of this Act shall be and continue to be so vested in and used and enjoyed by the Corporation.

Power to
let parks
to cricket
clubs &c.

204. The Corporation may from time to time let for terms not exceeding twelve months to any club company body or persons any portion of any park set apart by them for any purpose under paragraph (b) of subsection (1) 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 and maintain all proper and convenient houses pavilions dressing-rooms and other buildings works and conveniences.

Charge for
use of parts
of parks

205. When any portion of a park 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.

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—
set apart
for certain
purposes.

206. The Corporation may appropriate to and use for the purposes of a public recreation and pleasure ground under the Public Health Acts the lands delineated on sheet No. 12 of the deposited plans and which they are authorised by this Act to acquire and subject to the approval of the Minister of Health any other lands for the time being belonging to them.

Use of
lands for
pleasure
grounds.

207. The Corporation may for the purposes of paragraphs (d) and (e) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 pay or contribute towards the cost of providing and maintaining in the borough and in newspapers published in the borough advertisements of any concerts entertainments or performances given in pursuance of the said subsections and any such expenses shall be deemed to be expenses within the meaning of subsection (3) of the said section 76.

Advertising
of band
perform-
ances.

208.—(1) The Corporation shall have power to close to the public the park belonging to them and known as the "Queen's Park" for the purpose of granting the use of the same either gratuitously or for payment to any public charity or institution or for any agricultural horticultural or other show or cricket match.

Closing of
Queen's
Park.

(2) Provided that the said park shall not be closed on a Sunday or public holiday or for more than twenty-four days in any one year or for more than four consecutive days on any one occasion.

209.—(1) The Corporation may cause any park-keepers appointed by them and all persons appointed to assist them permanently or otherwise to make such declaration as is by law required to be made by constables of the borough and the men making such declaration shall (if in uniform or provided with a warrant which they shall show if required) have in the parks for the time being belonging to or under the control of the Corporation the same powers authorities and privileges and shall be liable to the same responsibilities and (subject to the directions

Park-
keepers
may be
made
constables.

A.D. 1923. of the Corporation) shall perform the same duties as constables appointed under the Municipal Corporations Acts.

(2) Nothing in this section shall be deemed to render applicable to any such park-keeper the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

Power to make byelaws in respect of parks.

210. For the purpose of making byelaws all the parks of the Corporation shall be deemed to be pleasure grounds within the meaning of section 164 (Urban authority may provide places of public recreation) of the Public Health Act 1875.

Power to appoint committee to carry out certain powers.

211. The Corporation may if they think fit appoint a committee consisting either wholly or partly of members of the council for the purpose of carrying out all or any of the powers of the Corporation under section 76 of the Public Health Acts Amendment Act 1907 as amended and extended by this Act. Provided that—

- (1) The majority of the members of such committee shall be members of the council; and
- (2) The acts and proceedings of such committee shall be submitted to the council for their approval.

Use of swimming baths for exhibitions and entertainments.

212. The Corporation may close to the public and may reserve the exclusive use of any swimming bath or open bathing-place belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or for any other entertainments or exhibitions or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath or open bathing-place such sums for the exclusive use of such bath or place or for admission of persons thereto as they may think fit.

Receipts and expenses under this Part of Act.

213. Subject to the provisions of this Part of this Act the moneys received by the Corporation under this Part of this Act shall be carried to the credit of the borough fund and the expenses incurred by them in exercising the powers contained in this Part of this Act may be paid out of the same fund.

PART XI.

A.D. 1923.

LANDS.

214. All lands vested in belonging to or used or enjoyed by the Corporation immediately before the commencement of this Act may be and continue to be held maintained and enjoyed by the Corporation.

Existing lands of Corporation to continue vested in them.

215. Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference.

Power to take lands.

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

Period for compulsory purchase of lands.

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

Persons under disability may grant easements &c.

218. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the borough for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Derby and a duplicate thereof shall also be deposited with the town

Correction of errors in deposited plans and book of reference.

A.D. 1923.

clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Benefits
to be set off
against
compensa-
tion.

219. In estimating the amount of compensation or purchase money to be paid by the Corporation under this Part of this Act the benefits accruing to the person to whom the same shall be paid by reason of the construction of any new street or of the widening or improvement of any existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensa-
tion in case
of recently
altered
buildings.

220. In settling any question of disputed purchase money or compensation for lands acquired by the Corporation under any Act or Order from time to time in force within the borough the arbitrator or other authority by whom the question is settled shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the date of the first newspaper advertisement of the notice of the intention of the Corporation to apply for powers to acquire the lands if in the opinion of such arbitrator or other authority the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of such arbitrator or other authority was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Corporation of such lands.

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

221.—(1) Whereas in the construction of the works authorised by this Act or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other

portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

A.D. 1923.

- (a) The owner of and persons interested in any of the properties numbered 1 7 11 12 15 17 22 27 29 580 585 588 602 604 and 606 on the deposited plans whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the said properties";
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the said properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;
- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the said property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;
- (d) If the tribunal determine that the portion of the said property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion so determined to be so severable without the

A.D. 1923.

Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

- (e) If the tribunal determine that the portion of the said property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
- (f) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (g) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

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

section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

A.D. 1923.

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

222.—(1) The Corporation may stop up—

Stopping
up of
highways.

(a) So much of the footpath known as "Cattle Market Footpath" as lies between its junction with Park Road and the bridge carrying the Brampton branch of the London Midland and Scottish Railway over the said footpath; and

(b) So much of the following highways as is shown on the deposited plans namely Poor Folks Fold Shepley Yard the footpath known as Bullclose Footpath from Pottery Lane to King Street and the footpath running from Stand Road to Dark Lane across the recreation ground of the Corporation.

(2) As from the stopping up of a highway under this section all rights of way over or along the same shall be extinguished and the Corporation may appropriate and use the site of the highway stopped up as far as the same is bounded on both sides by lands of the Corporation.

(3) The Corporation may stop up for all traffic other than pedestrian traffic so much of Wheeldon Lane as is shown on the deposited plans and thereupon all rights of way over or along the same except for pedestrian traffic shall cease.

(4) The Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

(5) Notwithstanding the stopping up or diversion of Poor Folks Fold the Postmaster-General shall continue to have the same powers and rights in regard to any telegraphic line which remains in under upon over along or across the site of the said highway as if the same had continued to be a highway. Provided that if the Corporation desire to alter or remove such telegraphic line

A.D. 1923. — the enactments of section 7 of the Telegraph Act 1878 shall apply in all respects as though the Corporation were “undertakers” within the meaning of that Act.

Further powers for acquisition of lands.

223.—(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 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 borough 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 borough fund and borough rate.

Retention and disposal of lands.

224.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Acts 1890 to 1921) 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.

A.D. 1923.

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

225.—(1) 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 Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any enactment repealed by this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health.

Proceeds
of sale of
surplus
lands.

(2) 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.

226. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Power to
Corpora-
tion to
enter upon
property
for survey
and valua-
tion.

A.D. 1923.

—
Extinction
of private
rights of
way.

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

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

Dwelling-
houses for
persons in
Corpora-
tion's
employ-
ment.

228.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

PART XII.

STREETS AND BUILDINGS.

*Streets.*Power to
define
streets.

229. The Corporation may by order from time to time determine and declare the points or limits at or within which any street existing prior to the seventeenth day of March nineteen hundred and ten is to be taken as beginning and ending and any continuation of such an existing street shall be deemed to be a new street within the meaning of section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907.

Lopping
of trees
over-
hanging
highways.

230.—(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 obstruct vehicular traffic or passengers or where any tree is dangerous to such traffic or passengers the Corporation may serve a notice on the owner or 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 interference or danger and such notice shall be sufficient authority to the person so served to execute the work prescribed in the notice. In default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage and the expenses incurred by them shall be repaid by the person in default.

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(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within fourteen days after the service of such notice provided he gives 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.

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

231.—(1) Where any street or road repairable by the inhabitants at large or any part of such street or road is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where at the corner of any street or road it is in their opinion desirable to set back the line of frontage in order to facilitate traffic or where in any other case it is in their opinion 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 to be observed on either side of such street or road or any part thereof.

Corpora-
tion may
fix line of
existing
streets.

(2) The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by 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 with reasonable diligence be ascertained by fixing such notice to or on the premises.

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(3) No new building erection excavation or obstruction shall be made or placed nearer to the centre of the street or road than such line except with the consent in writing of the Corporation which may be given for such period and upon and subject to such terms and conditions as they may deem expedient.

(4) The Corporation may and if required so to do by the owner shall purchase and the owner and all other persons interested shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by the Corporation under this section and the street or road and the same 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 under the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919.

(5) 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 and other persons interested in any land for any loss or damage which he or they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring the said line to be observed and kept.

(6) 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.

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

Further
powers as

232.—(1) The Corporation may at any time after prescribing and defining the line of frontage of any street

in pursuance of the power conferred upon them by the section of this Act of which the marginal note is "Corporation may fix line of existing streets" on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such line of frontage at the date when the same was so prescribed or defined shall be pulled down set back or altered so that the same shall not project beyond or in front of such line of frontage.

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—
to future
line of
street.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

233.—(1) Every person who intends to form a new street shall in addition to the information required to be

Building
line in
streets.

A.D. 1923.

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

(2) The Corporation may also prescribe the building line to be observed in those parts of any street already formed upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed 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.

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

(5) In the event of the Corporation requiring as a condition for 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 a new street than one half of the width of the street and ten feet in addition or in the event of the Corporation prescribing a building line at a greater distance from the centre of a street already formed than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 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. A.D. 1923.

(6) For the purposes 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.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration.

234.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished. Development scheme in connection with new streets.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

235.—(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 street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) 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 Adjustment of boundaries.

A.D. 1923. — 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 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.

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

(3) Any lands or moneys received by any person in or in respect of any 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. A.D. 1923.
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236.—(1) Any person deeming himself aggrieved by any requirement of or by the Corporation under any of the last three preceding sections of this Act may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction 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. Appeal to court of summary jurisdiction.

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

237.—(1) When a road footpath or way 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 would be empowered to require the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the borough require such owner to widen such road footpath or way so as to give a width not less than one-half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land. Widening roads when only one side is built upon.

(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 byelaws of the Corporation Provided that he shall not under this subsection be required to pull down any building erected before the commencement of this Act.

238.—(1) The Corporation may grant to the owner or with the consent of the owner to the lessee or occupier of any premises abutting upon any street repairable by the inhabitants at large or any public highway a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without trucks by means of a bridge over such street or highway for such term as shall be co-extensive with or less than Power to license bridges over streets.

A.D. 1923. the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given on such terms and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit. Provided that—

(a) No fine rent or other sum of money (except a reasonable sum in respect of legal or other expenses incurred) shall be payable for or in respect of such licence;

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

(c) It shall be a condition of every such licence that the licensee shall at the request of the Corporation and at his own expense remove or alter such bridge in such manner as the Corporation require in the event of their considering such removal or alteration necessary or desirable in connection with the carrying out of improvements to such highway at any time and the decision of the Corporation that such removal or alteration is necessary or desirable shall be final and conclusive;

(d) In the event of the construction of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1922 be deemed part of the street or road which it crosses.

(2) If any person shall construct a bridge over any such street or highway without such licence or shall construct or use the same otherwise than in accordance with the terms and conditions of the licence or shall fail to remove or alter the same when required so to do under the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

239.—(1) It shall not be lawful for any person to fix or place any overhead rail beam pipe cable or other similar apparatus (other than apparatus for telegraphic telephonic or railway signalling purposes lawfully fixed and placed by any railway company) over across or along any street without the consent of the Corporation which consent the Corporation may give. Such consent shall be in writing under the hand of the town clerk and may contain such reasonable terms and conditions as the Corporation think fit.

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Restriction on placing rails beams &c. over streets.

(2) Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Nothing in this section shall extend to—

(a) any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of that Act apply;

(b) any apparatus belonging to the Postmaster-General.

240. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the commencement of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Prevention and removal of projections over streets.

241.—(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 foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

No building allowed until street defined.

(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.

242.—(1) Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any

Forecourts to be fenced off from streets.

A.D. 1923.

steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street.

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

Street
orderly
bins.

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

(2) Provided that the Corporation shall not place or maintain any bin or receptacle in such a position as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company nor except with the consent in writing of that company on any bridge carrying any street or road over the railway or canal of such company.

For
preventing
soil &c.
from being
washed
into
streets.

244.—(1) 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 or cause the houses in such street to be flooded.

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

(3) For the purpose 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.

(4) Provided that—

(a) 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;

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- (b) This section shall not apply to any land of a bonâ fide agricultural character or to any woodland.

245.—(1) Whenever application shall be made to the Corporation to approve the formation on any estate or lands of a new street or the widening of an existing street which in the opinion of the Corporation will form a main thoroughfare or a continuation of a main thoroughfare or means of communication between main thoroughfares in the borough or the continuation of a main approach or means of communication between main approaches to the borough it shall be lawful for the Corporation to require that the new street shall be formed of or widened to such a width not exceeding fifty feet as they shall determine.

Width of streets in certain cases.

(2) Nothing contained in subsection (1) of this section shall require any person to incur any greater expense in the execution of any street works than he would have been required to incur if the street had been of no greater width than forty-two feet and any additional expense incurred in the execution of street works by reason of the street being of such greater width shall be borne by the Corporation.

(3) The Corporation shall determine in any case what proportion of the width of any such new street shall be laid out as carriageway and as footway or footways respectively and any such new street shall be formed accordingly.

246. The power of the Corporation to make bye-laws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the bye-laws may determine. For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street.

Byelaws as to intersecting streets.

247. Where premises abutting upon any street are so situate that the surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within fourteen days after

For preventing water flowing on footpath.

A.D. 1923.

service of a notice by the Corporation for that purpose execute such works as may be reasonably practicable to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Surface
water
channels
to be kept
in good
repair.

248.—(1) The owner or owners of any premises the water from which is carried away by any covered or uncovered drain or channel crossing the footpath in any street dedicated to the public use but not repairable by the inhabitants at large shall keep such drain or channel and all gullies traps grates and appurtenances thereto belonging unobstructed and in good repair and any person who after reasonable notice in writing from the Corporation shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty 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.

(2) The provisions of this section shall apply to any covered channel crossing any new means of access provided by any person pursuant to the provisions of section 18 (Crossing for cattle &c. over footways) of the Public Health Acts Amendment Act 1907.

Courts to
be flagged
and
drained.

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

(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 the Corporation may

themselves if they think fit do the work and recover the expenses incurred by them in that behalf from such owner or owners. A.D. 1923.

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

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

251. When any passage stairs or approach which affords or afford access between higher and lower parts of the town or between a public street and any river or canal and over which the public have rights of way but which is or are not a highway repairable by the inhabitants at large is or are for want of repairs in such a state as to be a danger to the public or vehicles passing along such passage stairs or approach the Corporation may at the expense of the borough fund carry out such repairs (including the provision of handrails balustrades and parapet fences or walls) as may be reasonably necessary to obviate such danger without rendering themselves liable to the future maintenance of the passage stairs or approach so repaired by them. As to urgent repairs to stairs passages &c.

252.—(1) Before any name is given to any street notice of the intended name shall be given to the Corporation and the Corporation may by notice in writing given to the person by whom notice of such intended name has been given to them at any time within one month after receipt of such notice object to such intended name and it shall not be lawful to set up any name to any street until the expiration of one month after notice thereof has been given as aforesaid to the Corporation or to set up any name objected to as aforesaid. Naming of streets.

A.D. 1923.

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

(3) Any person deeming himself aggrieved by any such objection of the Corporation may appeal to a court of summary jurisdiction within seven days of the receipt by him of the objection provided he gives twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

Adjust-
ment of
boundaries
of streets.

253.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land. For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this proviso.

(3) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation as to an adjustment of the boundaries of a street under this section within the period mentioned in subsection (1) of this section.

(4) On any such appeal the 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.

(5) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct. A.D. 1923.

(6) No part of any main road shall be given up under the provisions of this section except with the consent in writing of the county council.

254.—(1) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase-money or compensation coming to parties having limited interests or prevented from treating or not making title shall apply to any purchase money or compensation payable under the provisions of this Part of this Act to any such party. Applica-
tion of
certain
provisions
of Lands
Clauses Con-
solidation
Act 1845.

(2) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the entry upon lands by the promoters of the undertaking (except section 92 of the said Act) shall apply with any necessary modifications to any lands which any person may hereafter lawfully be required to sell or exchange under or in pursuance of the foregoing provisions of this Part of this Act.

(3) For the purposes of this Part of this Act the expression "the promoters of the undertaking" where used in the said Act of 1845 shall be deemed to mean the Corporation.

Buildings.

255.—(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 becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the 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

Elevation
of buildings
erected on
front lands
to require
approval.

A.D. 1923. 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.

(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.

What to be
deemed
new
buildings.

256. After the commencement of this Act—

(1) the conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the borough into a building which had it been originally erected in its converted form would have been within the operation of those byelaws;

(2) the conversion of a dwelling-house into a building not intended for human habitation;

shall for all the purposes of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a "new building."

Height of
buildings.

257.—(1) No new building shall without the approval of the Corporation be erected on the side of any street which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance. Provided that the approval of the Corporation shall not in the case of rebuilding any building existing on the twenty-sixth day of July nineteen hundred and one be withheld so as to involve a material sacrifice of property.

(2) In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be.

(3) In the case of a gable facing the street the measurement shall be to a point halfway between the

level of the eaves and the ridge and in the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves.

A.D. 1923.

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258.—(1) In case any building is at any time after the commencement of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the ridge or parapet of such last-mentioned building or the top of the flues and chimneys thereof whichever may be the higher.

Erection of buildings to greater height than adjoining buildings.

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

259.—(1) Every chimney hereafter erected for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably approve having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height.

Height of chimneys.

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

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

Byelaws as to materials and construction of buildings &c.

(a) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the commencement of this Act;

A.D. 1923.

(b) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;

(c) The testing of drains of new buildings;

(d) For securing that waterclosets constructed after the making of such byelaws shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost.

(2) The plans and sections deposited with the Corporation or the surveyor in pursuance of any enactment for the time being in force in the borough shall be drawn on tracing cloth or other material approved by the Corporation.

Food
storage
accommo-
dation to
be provided.

261.—(1) Every dwelling-house erected after the eighth day of July nineteen hundred and fourteen shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) (a) Every dwelling-house erected before the eighth day of July nineteen hundred and fourteen 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.

262.—(1) Every new building which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

Means of
escape
from
buildings
in case
of fire.

(2) The Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably

A.D. 1923. be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

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

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

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

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

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

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

(8) This section shall not apply to premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of

the Factory and Workshop Act 1901 or any enactment amending those sections apply. A.D. 1923.

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

263.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or to repair such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

Dilapidated
and
neglected
buildings.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

A.D. 1923.

As to
dangerous
buildings.

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

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the borough.

Sanitary
conveni-
ences for
workmen
engaged on
buildings.

265.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

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

As to
houses
without
water
supply.

266.—(1) The owner of any dwelling-house or tenement in the borough which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

unless the dwelling-house or tenement was erected before the commencement of this Act and such supply is not available. A.D. 1923.

(2) Section 62 (Local authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer of health" were inserted therein after the words "the surveyor."

267.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such regulations as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon. Restriction on erection of temporary stands &c.

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

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

PART XIII.

SEWERS AND DRAINS.

269.—(1) Where under the provisions of any local or general Act the Corporation have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively. Separate sewers for sewage and surface water.

(2) The Corporation may also from time to time by resolution declare that any sewer or sewers for the time

A.D. 1923. being belonging to them shall be appropriated and used for surface water only or for sewage only.

(3) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface-water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers.

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

(5) Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof would but for the passing of this Act have been sufficient effectually to drain such house or premises the Corporation shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and no penalty shall be incurred under this section in the case of such house or premises until the completion of such alterations as aforesaid.

Power to
require
specially
large
sewer in
new street.

270. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street or the lands draining thereto the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Corpora-
tion to
make com-
munications
between
private
drains and
their
sewers on
payment.

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

272.—(1) Every person who wilfully or negligently turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any petroleum spirit or carbide of calcium from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds. A.D. 1923.
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Prohibiting entry of petroleum spirit &c. into sewers.

(2) In this section the expression “petroleum spirit” means such crude petroleum oil made from petroleum coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum as when tested in manner set forth in Schedule 1 to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit’s thermometer.

273.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain which communicates or is intended or required to communicate with any public sewer except in accordance with the enactments and byelaws relating to the drainage of buildings for the time being in force. Reconstruction of drains to be in accordance with byelaws.

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

274.—(1) If it appears to the Corporation that two or more buildings 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 buildings are first laid order that such buildings be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such buildings 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. Combined drains.

A.D. 1923.

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(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 court of summary jurisdiction 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 court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Power to
lay drains
in private
streets.

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

Power to
reconstruct
drain if
laid in
contra-
vention of
Public
Health
Act 1875.

276. Where any person has been convicted of causing any drain to be constructed in contravention of section 25 of the Public Health Act 1875 the court may in addition to imposing a penalty under that section order that the drain shall be laid re-laid or amended or re-made as the case may require in accordance with the provisions of that section and if such person shall not comply with the order within one month after the date thereof the Corporation may cause the drain in respect of which such

conviction has been obtained to be laid re-laid or amended or re-made as the case may require and may recover from such person the expenses incurred by them in so doing. A.D. 1923.

277.—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds. Improper construction or repair of water-closets &c.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

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

279.—(1) Where two or more buildings 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 Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

A.D. 1923. of the buildings 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) 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.

Soil-pipes
to be
ventilated.

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

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

PART XIV.

STREAMS AND BRIDGES.

Streams
choked up
to be a
nuisance.

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

Streams
not to be
covered

282.—(1) It shall not be lawful to culvert cover over stop up obstruct or divert any stream or watercourse except in accordance with plans and sections to be

submitted to and approved by the Corporation such approval not to be unreasonably withheld or delayed and any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings :

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—
over
obstructed
or diverted
except in
accordance
with plans.

Provided that—

- (a) No requirement of the Corporation in relation to such plans and sections shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted ;
- (b) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

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

(3) Nothing in this section contained shall apply to any culvert or covering constructed or to be constructed by a railway company under any Act of Parliament but before constructing any such culvert or covering the railway company shall give to the Corporation information of the works proposed to be constructed.

283.—(1) The Corporation may from time to time cleanse improve and scour as they think fit the waterway or bed and course or any part or parts thereof respectively of any river stream brook or watercourse within the borough or of so much as is within or adjoining the borough of any river which forms the boundary of the borough and may also by such ways and means as they may find most effectual disinfect and purify the same and the waters thereof and shall make compensation to the owners lessees and occupiers of all or any parts of the said rivers streams brooks or watercourses who may be

For cleans-
ing &c.
rivers.

A.D. 1923. injured by such cleansing improving scouring disinfecting or purifying such compensation in case of difference to be settled in a summary way before two justices and all expenses incurred by the Corporation including compensation payable by them under this section may be paid out of the borough fund or borough rate.

(2) The powers of this section shall not be exercised so as to injure any railway or canal of a railway company or the foundations or piers of any bridge forming part of such railway or canal without the consent of such company. Any difference arising between the Corporation and the said company under this section shall be referred to an arbitrator to be appointed unless otherwise agreed by the President of the Institution of Civil Engineers on the application of either party after notice thereof to the other.

Prohibiting
throwing
of refuse
&c. into
rivers and
streams.

284.—(1) No person shall within the borough cast or deposit or cause to be cast or deposited any stone gravel soil refuse or other solid matter whatsoever (in this section referred to as "solid matter") into the Rivers Rother or Hipper or into any streams permanently flowing into the same so as to tend either directly or in combination with similar acts of the same or other persons to impede the proper flow of water in the said rivers.

Any person offending against the provisions of this subsection shall for every such offence be liable to a penalty not exceeding five pounds.

(2) If any person shall cast or deposit or cause to be cast or deposited any solid matter upon the bank or banks of the said rivers or streams in such position as to render it reasonably probable that the same may fall or be washed into such rivers or streams the Corporation may serve notice upon such person requiring him to remove the same or to comply with such conditions as the Corporation may prescribe in order to prevent the matter falling or being washed into the rivers or streams and in default of compliance with the requirements of such notice within one month from the service thereof the Corporation shall cause such person to be summoned before a court of summary jurisdiction to show cause why such requirement should not be complied with and upon the Corporation satisfying the court that it is reasonably

A.D. 1923.

probable that such matter may fall or be washed into the river or stream the court may order such person to remove the same or to comply with all or any of the requirements of the notice within a time to be specified in the order not exceeding one month from the date thereof and to pay to the Corporation their reasonable costs in the matter to be ascertained by the court and specified in the order and if such person disobey such order he shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings and the Corporation may on such default if they think fit (without prejudice to any such penalties) do the work required by the order and recover the expenses thereof from the person in default.

(3) The provisions of this section shall not be deemed to restrict any railway company or person from depositing in either of the said rivers or in any streams flowing into the same any solid matter which it may be necessary to deposit in the said rivers or streams for the protection of their railways or other works or lands or buildings but (except in case of emergency) any railway company or person before depositing any solid matter in any such river or stream shall give the Corporation not less than fourteen days' notice in writing of their intention to deposit the same accompanied by sufficient particulars to enable the Corporation to ascertain the nature of the proposed work and if any difference shall arise between the Corporation and such railway company or person with reference to the depositing of any solid matter in any such river or stream the matter in difference shall be referred to and determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party :

Provided that if any railway company or person shall exercise any such powers in case of emergency they or he shall forthwith give notice thereof to the Corporation and if within fourteen days after the service of such notice the Corporation require the solid matter to be removed or the position thereof to be altered such railway company or person as the case may be shall carry out such removal or alteration in such manner as may be agreed upon or as failing agreement shall be determined by an engineer to be appointed as aforesaid.

The provisions of the Arbitration Act 1889 shall apply to any reference under this subsection.

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(4) For the purposes of this section particles of matter in suspension in water arising from coal washing or coke cooling shall not be deemed to be solid matter provided that the best practicable and reasonably available means of removing such matter have been used.

(5) The provisions of this section shall be in addition to and may be enforced by the Corporation independently of the provisions of the Rivers Pollution Prevention Act 1876 and of section 47 of the Public Health Acts Amendment Act 1890.

Restrictions
as to
buildings
&c. over
streams.

285.—(1) Except in the exercise of statutory powers in that behalf no person shall at any time hereafter erect construct or place or cause or permit to be erected constructed or placed in or directly over the waterway or bed of any stream any building structure erection bridge arch culvert pipe or other work or thing (in this section referred to collectively as “works” or “work”) which will or may have the effect of reducing the waterway or bed of such stream or of interfering with the free passage of water along such stream or reconstruct or alter any work erected constructed or placed in or directly over the waterway or bed of any stream before or after the commencement of this Act in such manner that such reconstruction or alteration will have any such effect except in each case in accordance with plans sections and particulars previously approved by the Corporation or by an arbitrator appointed as in this section provided.

(2) If the Corporation shall not within six weeks after the delivery of the plans sections and particulars signify in writing their approval or disapproval of any intended work or of the re-construction or alteration of any existing work as the case may be to the person having delivered such plans sections and particulars with in the case of disapproval their reasons for such disapproval they shall be deemed to have approved the said plans sections and particulars.

(3) The Corporation may attach to their approval any condition which they may deem proper.

(4) If the Corporation disapprove of the plans sections and particulars or if any difference shall arise as to the reasonableness of any condition which the Corporation may attach to their approval the plans sections and particulars or any such difference shall be referred to an

arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of the person on whose behalf the plans sections and particulars were submitted or of the Corporation and any such arbitrator shall determine such difference and may approve the said plans sections and particulars with or without modifications or disapprove the same as he shall determine. A.D. 1923.

(5) If any such work or the re-construction or alteration of any such existing work is commenced or completed without such approval of the Corporation or of an arbitrator as is required by this section or in any respect otherwise than in conformity therewith or with any condition attached to such approval the person who commenced or completed the same or caused or permitted the same to be commenced or completed shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings and on conviction of any person under this section the court may make such order with regard to the removal reinstatement or modification of the work as in the circumstances of the case the court may think fit and in default of compliance with such order by the person to whom the same is directed the Corporation may (without prejudice to the liability to any such penalties or to any other remedy or proceeding) cause such work to be pulled down and removed or reinstated as the case may be and any expense incurred by them in or about the pulling down and removal or reinstatement of the work may be recovered from the person to whom the said order of the court is directed.

(6) Nothing in this section contained shall be deemed to affect the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1922.

286.—(1) If any watercourse or ditch situate upon any land laid out for building or on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner or owners of such land to substitute for such watercourse or ditch a pipe drain or culvert with all necessary gullies pipes and means of conveying surface water thereinto : Power to require culverting of water-courses on building land.

Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over

A.D. 1923. of any watercourse or ditch wholly or partly belonging to any person other than the owner of the land so laid out for building.

(2) Any person who fails to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Erection of
bridges.

287. All bridges (other than bridges which the inhabitants are by law liable to maintain and repair and other than bridges authorised to be made by any railway company) hereafter erected which form a continuation of any street laid out or to be laid out in accordance with the byelaws relating to new streets and the approaches to such bridges shall be of such width and gradients as the Corporation approve and shall be built in accordance with specifications plans and sections to be submitted to and approved by the Corporation and it shall not be lawful to erect any such bridge except in accordance with the provisions of this section and any person acting in contravention of such provisions shall be liable to a penalty not exceeding twenty pounds and the Corporation may remove alter or pull down any work begun or done in contravention of this section and recover the expenses incurred by them in so doing from such person.

PART XV.

ADVERTISEMENTS AND SKY SIGNS.

Restric-
tions on
advertise-
ment
hoardings.

288.—(1) It shall not be lawful to erect any hoarding or similar structure in or abutting on or adjoining any street to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding as the Corporation may determine.

(2) The owner or other person using any such hoarding wall or similar structure for advertising purposes whether erected before or after the commencement of this Act shall at all times keep and maintain the same in proper and safe repair and condition and if any papers affixed for advertising purposes to such hoarding

wall or other structure fall away become detached or are stripped off shall forthwith remove and clear away such papers. A.D. 1923.

(3) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he gives twenty-four hours' written notice of such appeal and 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.

289.—(1) It shall not be lawful to erect or fix to upon or in connection with any building or erection any sky sign or to retain any existing sky sign so erected or fixed except with the licence of the Corporation and in the event of such licence being granted then only for such period not exceeding three years and under and subject to such terms and conditions as shall be therein prescribed. Provided that in any of the following cases a licence of the Corporation under this section shall become void (namely):—

- (a) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;
- (b) If any change be made in the sky sign or any part thereof;
- (c) If the sky sign or any part thereof fall either through accident decay or any other cause;
- (d) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof;
- (e) If the house building or structure over on or to which the sky sign is placed or attached becomes unoccupied or be demolished or destroyed.

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(2) If any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequences as to the recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

(3) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

As to
hoardings
and
similar
structures.

290.—(1) (a) No person shall erect or bring forward any fence hoarding or other similar structure (in this section referred to as “structure”) on any land in any street in respect of which the Corporation have prescribed a building line under the provisions of the Public Health Acts or any byelaws made thereunder or of this Act in front of the building line so prescribed or in any other street beyond the general line of buildings therein to or of a greater height than six feet six inches.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expense incurred by them in so doing from the offender.

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which would (if erected after the commencement of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

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(3) The provisions of this section shall not be enforceable with regard to any structure existing at the commencement of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

291. The Corporation may by notice in writing require the owner of any hoarding to maintain the same in good order and condition and if any paper or other material affixed thereto for advertising purposes becomes detached shall forthwith remove and clear away such paper or other material and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out the requirements thereof and recover from the owner any expense incurred by them in so doing.

As to
repair of
hoardings.

PART XVI.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

292. For the purposes of the sections of this Act the marginal notes whereof are "Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails" "Power to close Sunday schools to prevent spread of disease" and "For preventing spread of infectious disease" the expression "infectious disease" includes measles german measles whooping cough and chicken pox.

Extended
meaning of
"infectious
disease"
for certain
purposes.

293.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer or the deputy or assistant medical officer at any time during

Penalty on
withholding
information
from
medical
officer.

A.D. 1923. the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer or the deputy or assistant medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

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

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

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

294.—(1) No person over the age of sixteen years who has the custody charge or care 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 borough without having procured from the medical officer or school 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.

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

Power to close Sunday schools to prevent spread of disease.

295.—(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 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 at once be complied with.

(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. A.D. 1923.

296.—(1) Any parent or other person liable to maintain a child in attendance at a school who is aware of or has reason to suspect 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. For preventing spread of infectious disease.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher of an elementary school a continuation school or any other school under the control of the Corporation stating that he has or has not received any notification as required under this subsection shall be evidence of the facts stated in such certificate.

(2) If any person not less than sixteen years of age while suffering from any infectious disease or being in charge of any person under sixteen years of age so suffering wilfully exposes himself or the person in his charge in such a manner as to conduce to the spread of the disease in any place of public entertainment or assembly shop inn or public conveyance he shall be liable to a penalty not exceeding five pounds.

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

297.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice. Disinfection in case of tuberculosis.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has

A.D. 1923. — not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

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

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

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

default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

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

Removal
of person
suffering
from
pulmonary
tuber-
culosis to
hospital.

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

(3) The Corporation may in their discretion during the period of detention make payments for or towards the effective support and maintenance of the relatives of or those actually dependent upon any person so suffering occasioned by the removal of any such person to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the

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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.

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

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

For preventing contact with body of person who has died of infectious disease.

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

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

300. When any person suffering from infectious disease shall die of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and in such case it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless

unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

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301. If any person shall at the request of the Corporation or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

Compensation to persons ceasing employment.

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

Medical inspection of inmates of common lodging-houses.

- (1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation or of such committee as aforesaid may exist or has recently existed in any common lodging-house in the borough medically examine any person found in any common lodging-house in the borough with a view to ascertaining whether such person is suffering or has recently suffered from such disease Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence:

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- (2) A copy of every such resolution shall forthwith be sent by the Corporation or such committee as aforesaid to every keeper of a licensed common lodging-house in the borough and to the Minister of Health:
- (3) Unless approved by the Minister of Health any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the 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.

Power to
close
infectious
common
lodging-
houses.

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

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

Sanitary
regulations
for
premises
where food
is deposited
for sale.

304.—(1) The following provisions shall apply to any room shop or other part of a building in which any article whether solid or liquid intended or adapted for food is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale—

- (a) No urinal watercloset earthcloset privy ashpit or other like sanitary convenience shall be within such room shop or other part of a

building or shall communicate therewith except through the open air or through an intervening ventilated space;

- (b) No cistern for supplying water to such room shop or other part of a building shall be in direct communication with and directly discharge into any such sanitary convenience;
- (c) No drain or pipe for carrying off faecal or sewage matter shall have any inlet or opening within such room shop or other part of a building;
- (d) No such room shop or other part of a building shall be used as a sleeping place and so far as may be reasonably necessary to prevent risk of the infection or contamination of any such article as aforesaid no sleeping place shall adjoin such room shop or other part of a building and communicate therewith except through the open air or through an intervening ventilated space;
- (e) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of a building except so far as may be reasonably necessary for the proper carrying on of trade or business;
- (f) Due cleanliness shall be observed in regard to such room shop or other part of a building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of a building.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein 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

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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.

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

Extension
of powers of
veterinary
inspector.

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

Entry on
premises
used for
storage of
food.

306.—(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.

(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 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.

307. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the inspection examination and search of any cart or other vehicle or of any basket sack bag or parcel whether open or closed and the provisions of such sections shall apply accordingly.

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Further powers in relation to unsound meat.

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

Prohibition of blowing or inflating carcasses.

309.—(1) The Corporation may make byelaws for promoting 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.

Byelaws as to food.

(2) Before confirming any byelaws made under this section as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts 1901 to 1920 apply the Minister of Health shall consult the Secretary of State.

(3) At least one month before applying to the Minister of Health for confirmation of any byelaws made under this section applicable to the storage or transport by a railway company of any article intended for the food of man the Corporation shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws.

310.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who—

For regulating 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 cellar room or place which is in a condition likely

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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 to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice cream or similar commodity or material so destroyed.

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

(4) (a) The medical officer and the sanitary inspector and any other officer who is 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 or vendor or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or stand in or on which the same are offered for sale 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. A.D. 1923.

(b) 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.

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

(2) Where on the certificate of the medical officer 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 wallpaper 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

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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.

As to filthy premises.

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

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

Cleansing of verminous persons.

313.—(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 years) 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 years) 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.

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

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

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

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

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

Cleansing of
children
and their
clothing.

A.D. 1923. 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 he shall be liable to a penalty not exceeding ten shillings and 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 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 be liable to a penalty not exceeding ten shillings.

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

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

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

315. Whenever it shall be certified to the Corporation by the medical officer that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person or company earning a livelihood or deriving gain

Persons engaged in washing or mangling clothes to

by the washing or mangling of clothes the Corporation may require such person or company to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person or company washes or mangles or has washed or mangled during the past six weeks and such person or company shall furnish such list accordingly and the Corporation shall pay to him her or them for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein Any person wilfully or knowingly offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

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—
furnish list
of owners
of clothes
in certain
cases.

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

Wilful
damage to
drains and
water-
closets.

(2) 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.

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

Regulation
dustbins.

(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.

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(4) Except as is hereinafter provided this section shall not authorise the Corporation to require the provision of a dustbin thereunder in any case in which a dustbin or ashpit in use at the eighth day of July nineteen hundred and fourteen is of suitable size and in proper order and condition. Provided that the Corporation may in any case they think fit require the provision of a dustbin in lieu of any ashpit in use at the eighth day of July nineteen hundred and fourteen but in such case they shall except where the medical officer or the sanitary inspector shall have certified that owing to wilful neglect on the part of the owner or occupier after due notice to keep the same in proper repair any such ashpit is in such a state as to create a nuisance or be injurious to health bear and pay such sum towards the expense of providing such dustbin (being not less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of such expenses shall be borne by the owner or occupier.

Restriction
as to use
of dustbins.

318.—(1) It shall not be lawful for any person to use any ashbin or dustbin for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(2) Any person contravening the provisions of this section shall be liable to a penalty not exceeding ten shillings.

Power to
prohibit
tents vans
&c.

319.—(1) If any squatter or gipsy or other person dwelling in a tent or van or other similar structure occupies land within three hundred yards of any dwelling-house and the occupation of such land by him is a nuisance or injurious to health a court of summary jurisdiction may on complaint by the Corporation make an order prohibiting (either absolutely or subject to conditions) the further occupation of such land or any other land within a radius of one thousand yards thereof by such squatter gipsy or other person and if the order be not complied with the squatter gipsy or other person shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) The Corporation before making any complaint shall give to the owner or lessee of the land so occupied

or to the person who has suffered the land to be so occupied not less than seven days' notice in writing of their intention so to complain and shall at the same time give a similar notice to the squatter gipsy or other person with regard to whom the complaint is intended to be made.

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(3) This section shall not apply to any person dwelling in a tent or van or other similar structure who is a roundabout proprietor or stallholder (not being a pedlar or hawker).

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

Discon-
tinuance of
offensive
trades.

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 appeal" 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 any requirement of the Corporation under 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 under the provisions of this section 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 use of such

A.D. 1923. premises for the carrying on of an offensive trade shall cease before the expiration of such period.

Defining
establish-
ment of
a new
business.

321.—(1) For the purposes 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 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 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 or tenancy of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

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

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

Public
notice to be
given of
provisions
of this Part
of this Act.

322.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the commencement of this Act by advertisement in at least one newspaper published or circulating in the borough.

(2) The production of a copy of a newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

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PART XVII.

MILK SUPPLY.

323. This Part of this Act shall be deemed to be a local Act to which subsection (3) of section 21 of the Milk and Dairies (Consolidation) Act 1915 applies.

Cesser of certain provisions of this Part of Act.

324.—(1) Whenever it shall be certified to the Corporation by the medical officer that the outbreak or spread of infectious disease is in the opinion of such medical officer attributable to the milk supplied by any dairyman the Corporation may require such dairyman to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such dairyman shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein.

Dairymen to furnish list of customers in certain cases.

(2) Every person wilfully or knowingly offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

325. Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the borough who after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds.

Penalty on failing to isolate diseased cows.

326.—(1) It shall be lawful for the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer to take within the borough for examination samples of milk produced or sold or intended for sale within the borough.

Power to take samples of milk.

(2) The like powers in all respects may be exercised outside the borough by the medical officer or such authorised person if he shall first have obtained from a justice having jurisdiction in the place where the sample is to be taken an order authorising the taking of samples of the milk which order any such justice is hereby empowered to make.

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(3) Provided that in the exercise at any railway station or upon any railway premises of a railway company of the powers conferred upon him by this section the medical officer or the person so authorised as aforesaid shall conform to the reasonable requirements of the railway company so that the working of the traffic at such station or premises shall not be obstructed or interfered with.

Obligation to notify cases of tuberculosis.

327.—(1) Every dairyman who supplies milk within the borough and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name and address and the situation of the dairy or premises where the cow is.

(2) Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings.

Power to inspect cows and to take samples of milk.

328.—(1) If milk from a dairy situate within the borough is being sold or suffered to be sold or used within the borough the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

(2) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the borough from consumption of the milk supplied from a dairy situate within the borough or from any cow kept therein he shall report thereon to the Corporation and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Corporation may thereupon serve on the dairyman notice to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the

borough until the order has been withdrawn by the Corporation. A.D. 1923.

(3) If the medical officer has reason to believe that milk from any dairy situate outside the borough from which milk is being sold or suffered to be sold or used within the borough is likely to cause tuberculosis in persons residing within the borough the powers conferred by this section may in all respects be exercised in the case of such dairy provided that the medical officer or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

(4) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer person or veterinary surgeon for all or any of the purposes of this section and any person refusing such assistance or obstructing such medical officer person or veterinary surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

(5) If in their opinion the dairyman fails to show cause why such an order may not be made as aforesaid the Corporation may make the said order and shall forthwith serve notice of the facts on the county council of any administrative county in which the dairy is situate and on the Minister of Health and if the dairy is situate outside the borough on the council of the borough or district in which it is situate.

(6) The said order shall be forthwith withdrawn on the Corporation or their medical officer being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the borough.

(7) If any person after any such order has been made supplies any milk within the borough in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and if the offence continues to a further penalty not exceeding forty shillings for every day during which the offence continues.

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(8) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

(9) The dairyman may appeal against an order of the Corporation under this section or the refusal of the Corporation to withdraw any such order either to a petty sessional court having jurisdiction within the borough or at his option if the dairy is situate outside the borough to the Minister of Agriculture and Fisheries who shall appoint an officer to hear such appeal. Such officer shall fix a time and place of hearing within the borough and give notice thereof to the dairyman and the town clerk not less than forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of a petty sessional court.

(10) The Minister of Agriculture and Fisheries may at any stage require payment to him by the dairyman of such sum as the said Minister deems right to secure the payment of any costs incurred by him in the matter of the appeal.

(11) The court or the Minister of Agriculture and Fisheries as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Minister as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Corporation.

(12) If an order is made without due cause or if the Corporation unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the Corporation full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the Corporation to withdraw the order.

The court or the Minister of Agriculture and Fisheries may determine and state whether an order the subject of appeal has been made without due cause and whether the Corporation have unreasonably refused to withdraw the order and whether the dairyman has been in default.

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact

of default where any such fact has not been determined by the court or Minister of Agriculture and Fisheries or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

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329. The provisions of section 34 (Power for Privy Council to make orders relative to dairies cowsheds and milkshops) of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Corporation under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the borough for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets.

Cleansing
of milk
vessels.

330. If any dairyman shall at the request of the Corporation stop his milk supply within the borough on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the borough the Corporation may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the borough fund or borough rate.

Compensa-
tion to
dairymen.

331. All expenses incurred by the Corporation in carrying into execution the provisions of this Part of this Act shall be chargeable on the borough fund and borough rate and the Corporation may also charge on the same rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the borough Provided that no such test shall be applied except with the previous consent of the owner of such cow.

As to
expenses.

A.D. 1923.
—
Procedure.

332. Offences under this Part of this Act may be prosecuted and penalties may be recovered by the Corporation before a petty sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise.

PART XVIII.

COMMON LODGING-HOUSES AND HOUSES LET IN LODGINGS.

As to
periods of
letting as
affecting
common
lodging-
houses.

333. No house or part of a house within the borough shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this Part of this Act or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

Exhibition
of ticket
showing
number of
lodgers.

334.—(1) The Corporation may order that a ticket containing the number of lodgers for which any common lodging-house is licensed under this Act and any byelaws made by the Corporation applicable thereto shall be hung up or placed in a conspicuous part of each room into which lodgers are received.

(2) Any keeper of a common lodging-house who fails to comply with the provisions of this section shall be liable for each offence to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

Corpora-
tion may
require
application
for licence
to keep a
common
lodging-
house.

335.—(1) The Corporation may give notice to every person who at the commencement of this Act is registered as the keeper of a common lodging-house requiring him to make application in writing to the Corporation within one month after receipt of such notice or within such further period as the Corporation may prescribe for a licence to keep a common lodging-house and to receive lodgers therein and such application shall specify the premises in respect of which application is made for such licence and the number of lodgers proposed to be received therein.

(2) Such notice shall be given by leaving the same for each registered common lodging-house keeper at

his lodging-house and may be in the form set out in the Fifth Schedule or to the like effect. A.D. 1923.

336.—(1) The Corporation shall as soon as practicable after any application shall have been made to them under the last preceding section make or cause to be made all necessary and proper inspections and inquiries as to whether—

As to
granting of
licences.

(a) the person so applying is a fit and proper person to have the control and management of a common lodging-house; and

(b) the premises in respect of which application is made for a licence are suitable for use and occupation as a common lodging-house having regard to their structure surroundings adjoining or neighbouring buildings and other circumstances and also to the number health safety and convenience of persons occupying or intended to occupy the same and to the provision of sufficient means of escape in case of fire.

(2) If the Corporation are satisfied as respects the matters (a) and (b) mentioned in subsection (1) of this section they may grant to the applicant a licence to use the premises specified in his application for the purpose of a common lodging-house and to receive lodgers therein.

337.—(1) Subject as hereinafter mentioned licences under this Part of this Act shall be valid for the period of one year from the date thereof but after the expiration of the said period the same shall be of no force or effect.

Period of
licence and
as to
renewal and
cancellation.

(2) The person named in any such licence (in this Part of this Act called “a licensed lodging-house keeper”) may at or before the expiration of the said period make application to the Corporation to renew his licence in respect of the same premises and if the Corporation shall think fit they may renew such licence accordingly for a further period of one year from the expiration of any licence and so from time to time.

(3) Provided that licences granted or renewed by the Corporation under this Part of this Act shall expire on such day in every year as the Corporation may fix notwithstanding that the period during which any such licence shall remain valid may exceed or be less than one year from the date thereof.

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Appeal
against
refusal of
licence.

338.—(1) The Corporation shall not refuse to grant or renew a licence under this Part of this Act except upon the ground—

- (a) that the person applying to be licensed is not a fit and proper person to be licensed as a common lodging-house keeper; or
- (b) that the premises are not suitably equipped or are in other respects not suitable for use and occupation as a common lodging-house.

(2) If the Corporation refuse to grant a licence under this Part of this Act they shall if required by the applicant deliver to him a statement in writing of the ground or grounds upon which such licence is refused.

(3) If the licence or renewal of licence be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of such refusal and that not less than twenty-four hours' notice of such appeal be sent to the Corporation.

(4) If a licence or renewal of licence be refused upon the ground that the premises are not suitable or suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a properly qualified surveyor or architect to examine and report to them upon the condition of such premises and their suitability for the purposes of a common lodging-house.

(5) The costs of any such appeal including the expenses of any such examination and report as aforesaid shall be paid in such manner and by such parties to the appeal as the court may direct.

(6) On any such appeal the court may after considering any representations made by the Corporation either confirm the refusal or direct the Corporation to grant a licence and the Corporation shall comply with any such direction.

Unlicensed
person not
to keep a
common
lodging-
house.

339. From and after the expiration of the period of notice to be given by the Corporation as aforesaid no person unless he shall have applied for and obtained a licence under this Part of this Act shall keep a common lodging-house or receive lodgers therein and 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. A.D. 1923.

340. Any person who shall hereafter be desirous of becoming a licensed lodging-house keeper shall be at liberty to make application to the Corporation in the same manner as if he had at the date of the commencement of this Act been a registered common lodging-house keeper and the provisions of this Part of this Act shall apply accordingly. Future application for licences.

341. Section 80 of the Public Health Act 1875 shall operate so as to include the making by the Corporation of byelaws as regards the maintenance in good condition and free from obstruction of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house. Byelaws relating to common lodging-houses.

342.—(1) Notice shall be given to the Corporation of the death of any common lodging-house keeper forthwith after the same shall have occurred. As to keeping lodging-houses open after death of keeper.

(2) If in pursuance of subsection (1) of this section notice is given of the death of a licensed common lodging-house keeper his widow or any member of his family may keep the common lodging-house and receive lodgers therein for not more than four weeks after the date of his death without being licensed in pursuance of this Act.

343.—(1) The provisions of this Part of this Act shall as from the commencement of this Act apply and have effect as respects the borough in substitution for the provisions of sections 77 and 78 of the Public Health Act 1875 : As to application of provisions of Public Health Acts.

Provided that as respects any person who at the date of the commencement of this Act is registered under the said Public Health Act as a common lodging-house keeper and the common lodging-house kept by that person such substitution shall not take effect until the date of any notice given by the Corporation to that person under the section of this Act of which the marginal note is "Corporation may require application for licence to keep a common lodging-house."

(2) Nothing in this section or in any other provision of this Part of this Act shall interfere with or affect the operation of sections 76 79 80 81 82 83 84 85 86 (other than paragraph (1) of that section which shall not apply

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within the borough) 87 and 89 of the Public Health Act 1875 or of sections 70 71 72 73 74 and subsection (2) of section 75 of the Public Health Acts Amendment Act 1907 as regards any common lodging-house in the borough and the keeper of any such common lodging-house except that all references in the said sections or any of them (other than the said sections 70 and 71) to registration shall be construed as references to licensing under the provisions of this Part of this Act.

Provisions
as to
houses let
in lodgings.

344. Section 90 (Byelaws as to houses let in lodgings) of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws relating to houses which are let in lodgings or occupied by members of more than one family for requiring a separate approach to each room or tenement separately occupied without passing through any other room or tenement.

PART XIX.

HACKNEY CARRIAGES AND POLICE.

Hackney
carriages
at railway
stations.

345.—(1) 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 borough as if such railway station or railway premises were a stand for hackney carriages or a street:

(2) Provided that—

- (a) The provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicle;
- (b) 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 railway yard belonging to a railway company except with the consent of the railway company owning such station premises or yard.

A.D. 1923.

346. An occasional licence for a public vehicle to ply for hire may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence.

—
Power to grant occasional licences.

347.—(1) For the purpose of the Town Police Clauses Acts 1847 and 1889 with respect to hackney carriages the borough shall be the prescribed distance except with respect to any hiring taking place within the borough in which case seven miles from the General Post Office shall be the prescribed distance.

Extending limits of byelaws as to hackney carriages.

(2) In the case of any such hiring within the borough any offence against any byelaw of the Corporation with respect to hackney carriages whether such offence shall have been committed within the borough or not may be brought before and determined by any justice or justices of the peace having jurisdiction in the borough.

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

Fire alarms.

Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869:

Provided also that no fire alarm shall be erected or affixed in any street road or public place so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

349.—(1) All steam or waste gas ejected from any stationary engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public.

Ejection of steam and waste gas to annoyance of public.

(2) Any person who shall cause or permit steam or waste gas to be ejected or discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

350.—(1) Every person who uses a stationary internal combustion engine shall provide and use an

Silencers for internal

A.D. 1923.
—
combustion
engines.

effective silencer on the exhaust of such engine and shall at all times at his own expense keep such silencer in proper repair.

The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the person aforesaid.

(2) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Byelaws as
to bicycles
&c. on
certain
footpaths.

351. The Corporation may make byelaws prohibiting or restricting the use by persons riding bicycles tricycles or other similar vehicles on any footpaths specified and defined in such byelaws.

Notice of
processions
to be
given.

352.—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the head police office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

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

PART XX.

CHESTERFIELD RACECOURSE.

Extinction
of Chester-
field
racecourse.

353. As from the thirty-first day of December nineteen hundred and twenty-three or such later date (not being later than the thirty-first day of December

nineteen hundred and twenty-four) as may be determined by a resolution of the council all public rights whether by virtue of custom Act of Parliament or otherwise of using the lands comprising the Chesterfield racecourse for the purpose of the Chesterfield races or for the purpose of training horses and all other public rights (if any) over or in respect of such lands (other than rights conferred by or in pursuance of this Act) shall by virtue of this Act be extinguished.

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354.—(1) The Corporation shall acquire the lands numbered 554 555 556 557 558 559 560 561 562 563 564 565 566 567 and 568 on the deposited plans and shall appropriate the same for the purposes of a recreation ground and as from such appropriation they shall for all time be used for those purposes.

Provision
of recrea-
tion ground.

(2) Provided that the Corporation may permit the said recreation ground and also the existing recreation ground situate at the junction of Stand Road and Dark Lane or parts of such recreation grounds respectively to be used for the purpose of a pleasure fair upon four days in every year.

355. In determining any question of purchase money or compensation payable in respect of lands comprising the Chesterfield racecourse taken in pursuance of this Act such land shall be regarded as being still subject to the rights which are extinguished by the section of this Act whereof the marginal note is "Ex-tinction of Chesterfield racecourse" and the purpose of horse racing shall not be deemed to be a purpose of the nature referred to in subsection (5) of section 2 (Rules for the assessment of compensation) of the Acquisition of Land (Assessment of Compensation) Act 1919.

As to
compensa-
tion in case
of acqui-
sition of site
of race-
course.

356.—(1) The agreement dated the twenty-first day of November nineteen hundred and twenty-two and made between the Corporation of the one part and the most Noble Victor Christian William Duke of Devonshire K.G. of the other part a copy of which is set forth in the Sixth Schedule and the agreement dated the tenth day of October nineteen hundred and twenty-two and made between the Corporation of the one part and Johnson Pearson of the other part a copy of which is set forth in the Seventh Schedule are hereby confirmed and made binding on the parties thereto subject to such

Scheduled
agreements
confirmed.

A.D. 1923. — modifications (if any) as may be agreed in writing between the parties thereto respectively.

(2) The street referred to in paragraph 3 of the agreement set forth in the Sixth Schedule shall be deemed to be a street within the meaning of the Private Street Works Act 1892 and that Act shall apply thereto accordingly.

Power to execute street improvements.

357. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands shown on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works in the borough hereinafter mentioned with all proper and necessary junctions connections approaches sewers drains works and conveniences in connection therewith (namely):—

Work No. 12 A new road following generally the course of the Chesterfield racecourse commencing by a junction with Stand Road and terminating by a junction with Dunston Road;

Work No. 13 A new road commencing by a junction with Brimington Road and terminating by a junction with Pottery Lane.

Application of provisions relating to street improvements.

358. The sections of this Act whereof the marginal notes are respectively—

Limits of deviation;

Power to make subsidiary works;

Temporary stoppage of streets;

Application of road materials excavated in construction of works;

shall extend and apply to the works authorised by this Part of this Act as if they had been authorised by Part VIII. (Street improvements) of this Act.

PART XXI.

RATES.

All expenses of Corporation to be paid

359.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed

would have been paid or carried to the credit of the district fund or general district rate shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Part of this Act any reference to the district fund or general district rate in any Act or Provisional Order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate.

A.D. 1923.

—
out of
borough
fund.

(2) The district fund shall be closed and any balance standing to the credit or to the debit of the district fund or the general district rate respectively shall be transferred to the credit or the debit (as the case may be) of the borough fund but any moneys owing to the Corporation in respect of or in connection with the district fund or the general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

(3) The Corporation may make and levy any borough rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

360. The contribution of the township to the borough rate shall be paid by the overseers out of the poor rate and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall (subject to the provisions of this Part of this Act) apply to the said contribution.

Contribu-
tion to
borough
rate to be
paid out of
poor rate.

361. The poor rate (inclusive of the contributions to the borough fund levied as part thereof in pursuance of the provisions of this Act) shall be called "the consolidated rate." but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate.

Poor rate
to be called
"the consoli-
dated rate."

A.D. 1923.

—
Differential
rating for
certain
classes of
heredita-
ments.

362. The provisions contained in this section shall have effect with respect to the consolidated rate to be made and levied by the overseers (that is to say):—

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of 63·5 per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section less the discount from time to time allowed in pursuance of the section of this Act whereof the marginal note is “Discount on consolidated rate”:

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

“The owner of tithe rentcharge attached to a benefice shall be liable to pay only seven-thirteenths of the amount payable under subsection (1) of the section of the Chesterfield Corporation Act 1923 whereof the marginal note is “Differential rating for certain classes of hereditaments” in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining six-thirteenths thereof shall on demand being made by the collector of the rate on the surveyor of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of estate duty grant.”

A.D. 1923.

(3) During the continuance of the Agricultural Rates Act 1896 the occupier of any agricultural land as defined in that Act shall be liable to pay in each year in respect of such land a rate calculated on the basis of two-fifths only (instead of 63·5 per centum) of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

(4) Nothing in this section shall in any way affect—

(a) The operation of the Agricultural Rates Act 1896 save as in this section is expressly provided or the payment of the sum certified by the Minister of Health or the Local Government Board as the amount of the share of the annual grant payable under that Act out of the local taxation account to any spending authority or in respect of the township; or

(b) The operation of the Ecclesiastical Tithe Rentcharges (Rates) Acts 1920 and 1922; or

(c) The amount of the contribution for any purposes to be made by the township out of the poor rate :

(5) (a) If any occupier referred to in subsection (1) of this section claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days' notice in writing of such appeal and of the ground thereof be given by the appellant to the Corporation and the overseers;

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

363.—(1) During the remainder of the period of ten years commencing from the ninth day of November Differential rating for

A.D. 1923. nineteen hundred and twenty the borough rate shall
in respect of any period of one year—

—
certain
areas.

(a) in respect of any rateable hereditament in the
added part of Whittington and Newbold be
less by one shilling; and

(b) in respect of any rateable hereditament in the
added part of Hasland be less by two shillings;
and

(c) in respect of any rateable hereditament in the
area of the former township of Tipton (as the
same existed before the ninth day of November
nineteen hundred and twenty) and the added
part of Brimington be less by three shillings

than the total amount in the pound of the borough rate
ordered to be paid by the overseers out of the consoli-
dated rate in the same year in respect of any rateable
hereditaments situate within the area of the borough
as the same existed before the ninth day of November
nineteen hundred and twenty.

(2) The total amount in the pound of so much of
the borough rate as shall include expenses heretofore
charged upon the general district rate ordered to be paid
as aforesaid in any one year by the Corporation in respect
of any rateable hereditament in the added parts of
Brampton and Walton shall not—

(a) during the remainder of the period of five years
commencing from the ninth day of November
nineteen hundred and twenty exceed three
shillings and sixpence; and

(b) during a period of five years from the ninth day
of November nineteen hundred and twenty-five
exceed four shillings

in each pound of the assessable value of the hereditament
for the purposes of the borough rate.

(3) For the purposes of this section the expressions
“added part of Whittington and Newbold” “added
part of Hasland” “added part of Brimington” “added
parts of Brampton and Walton” have the same meanings
as in subdivision (12) of Article I. of the Chesterfield
(Extension) Order 1920.

364.—(1) The owner instead of the occupier may from time to time at the option of the Corporation be rated to the consolidated rate—

A.D. 1923.

Rating of
owners
instead of
occupiers.

- (a) where the rateable value of the property does not exceed ten pounds; or
- (b) where the premises are let in separate apartments; or
- (c) where the rents are collected weekly:

Provided that the owner so rated shall be bound to pay such rate whether the premises are occupied or not and shall be entitled to a deduction of not exceeding twenty-five per centum from the amount of the rate when paid by him if he shall pay the same within six months after the rate shall have been made if made for a period of one year or within three months after the rate shall have been made if made for any less period or in either case within two months after the same shall have been demanded whichever shall be the later.

(2) When the Corporation exercise the option under this section of causing the owner to be rated instead of the occupier they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner accordingly and the provisions of this section shall apply within the borough in substitution for the provisions with regard to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 and in section 211 of the Public Health Act 1875.

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

Amend-
ment of
error in
consoli-
dated rate.

366. Section 220 (Description of owner or occupier) and section 221 (Rates may be amended) of the Public Health Act 1875 shall apply to the borough in respect of the consolidated rate as if the overseers were an urban

Certain
sections of
Public
Health
Act 1875
to apply.

A.D. 1923.

authority and the rate therein mentioned were the consolidated rate and the said section 221 shall extend to enable the overseers to amend any rate made by them in pursuance of this Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

Payment
of con-
solidated
rate by
instalments.

367. The overseers if so required by the Corporation shall in pursuance of the provisions of section 15 (Overseers may make poor rate payable by instalments) of the Poor Rate Assessment and Collection Act 1869 declare that any consolidated rate made by them for a period exceeding three months shall be paid by instalments at such times as shall have been previously specified by the Corporation.

Service of
rate
demands by
post.

368. The provisions of section 267 of the Public Health Act 1875 shall apply to demand notes for the consolidated rate.

Discount on
consoli-
dated rate.

369.—(1) The Corporation may from time to time if they think fit direct the overseers to make an allowance by way of discount not exceeding five per centum on the amount due in respect of any consolidated rate or any instalment thereof from every person who pays the same within such time after demand of the rate or after the date when any instalment falls due as the case may be as the Corporation shall prescribe and in any such case the overseers shall make such allowance accordingly.

(2) Provided that the same rate of discount shall be allowed to every ratepayer in similar circumstances.

Water rate
may be
collected
with con-
solidated
rate.

370.—(1) Any water rate or charge payable to the Corporation may be collected together with the consolidated rate and the same books may be used for the said rate and charge and the consolidated rate.

(2) The consolidated rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the consolidated rate and water rate or charge shall be in such form as the Minister of Health may from time to time prescribe.

As to
section 133
of Lands
Clauses Con-
solidation
Act 1845.

371. For the purpose of section 133 of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be five-ninths of the amount in the pound of the consolidated rate.

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

A.D. 1923.

—
As to
recovery
of consoli-
dated rate.

373.—(1) The overseers may by notice require the owner or occupier or reputed owner or occupier of any hereditament in the township (other than land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the Eighth Schedule and containing the particulars therein mentioned or referred to :

Overseers
may require
returns.

Provided that (except for purposes connected with the preparation of and preliminary to a general revaluation for rating) the powers conferred by this section shall only be exercised—

- (a) upon any change in the occupation or ownership of any hereditament; or
- (b) upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament; or
- (c) in the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section.

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this section within fourteen days after the service of the notice shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings 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) The overseers shall whenever required by the assessment committee of the Chesterfield Poor Law

A.D. 1923. Union permit the duly authorised officer of such committee to have access to the returns or any of them obtained by the overseers under the provisions of this section for the purpose of inspecting the same and making copies thereof.

(4) Nothing in this section shall require a 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.

PART XXII.

FINANCE.

Power to borrow.

374.—(1) (a) Subject to the provisions of this Act all statutory borrowing powers under any enactment repealed by this Act which were in force immediately before the commencement of this Act shall (notwithstanding the repeal by this Act of any Act or Order by or under which the same were created) continue to be in force and to have effect as fully and effectually as if this Act had not been passed but so far as the same shall be exercised by the Corporation after the commencement of this Act shall have effect as if they were statutory borrowing powers granted by this Act and shall be exerciseable accordingly subject to the provisions of this Part of this Act.

(b) In order to secure the repayment of any money borrowed under any of the statutory borrowing powers referred to in this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

(c) The sums borrowed by the Corporation under the provisions of the Acts repealed by this Act which have not yet been repaid and also sums which may hereafter be borrowed thereunder shall notwithstanding such repeal be repaid within the respective periods (if any) within which they are required to be repaid by or under those provisions.

(2) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes set

forth 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 revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column thereof (namely) :—

A.D. 1923.

1.	2.	3.
Purpose.	Amount.	Period for Repayment.
(a) The construction of work No. 19 authorised by Part IV. of this Act.	£2,217 in addition to the amount already authorised to be borrowed.	Fifty years from the date or dates of borrowing.
(b) The construction of the Works Nos. 21 and 23 authorised by Part IV. of this Act.	£939 in addition to the amount already authorised to be borrowed.	Thirty years from the date or dates of borrowing.
(c) The construction of the new tramways.	£9,433 in addition to the amount authorised to be borrowed by the Chesterfield Corporation Act 1914.	Twenty - five years from the date or dates of borrowing.
(d) The purchase of land for the purposes of this Act.	The sum requisite.	Sixty years from the date or dates of borrowing.
(e) The construction of the street improvements and new streets authorised by this Act.	£40,000.	Thirty years from the date or dates of borrowing.
(f) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the commencement of this Act.

(3) (a) The Corporation may also—

- (i) with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of Part V. (Tramways trolley vehicles and omnibuses) of this Act or of the tramways undertaking;

A.D. 1923.

(ii) with the consent of the Electricity Commissioners borrow such further money as may be necessary for any of the purposes of Part VI. (Electricity) of this Act or of the electricity undertaking;

(iii) with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act other than those of Part V. and Part VI. or for any of the purposes of the several undertakings of the Corporation therein referred to.

(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 the said revenues.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the department with whose consent it is borrowed.

Effect of
exercise of
existing
borrowing
powers.

375.—(1) All statutory borrowing powers under any enactment repealed by this Act which have been exercised before the commencement of this Act and all existing bonds mortgages annuities stock or other securities granted payable or created thereunder shall be deemed to have been exercised granted or created under this Act and the provisions of this Act shall apply thereto notwithstanding anything contained in any Act deed mortgage or other document to the contrary.

(2) Nothing in section 38 of the Interpretation Act 1889 shall affect the said repeal or shall continue in force any of the provisions of the repealed Acts relating to such borrowing powers.

Certain
provisions
of Public
Health
Acts not
to apply.

376. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Mode of
raising
money.

377. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity

certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others : A.D. 1923.
—

Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

378. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act or under the powers of any enactment repealed by this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing. Mode of payment off of money borrowed.

379.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either— Sinking fund.

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

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the

A D. 1923.

investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

(6) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient

for that purpose and if it appears to the Minister of Health that any such increase is necessary the Corporation shall increase the payments to such extent as that Minister may direct. A.D. 1923.

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

(8) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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

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

(11) All moneys which at the commencement of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

A.D. 1923.

Power to
invest all
sinking
funds in
statutory
securities.

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

Appoint-
ment of
receiver.

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

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

Protection
of lender
from
inquiry.

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

Power to
re-borrow.

383.—(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.

A.D. 1923.

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

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

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

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

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

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

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

Power to use one form of mortgage for all purposes.

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

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

A.D. 1923.

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

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

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section.

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

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Ninth Schedule or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a

sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

A.D. 1923.

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

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

385. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Corpora-
tion not to
regard
trusts.

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

Power to
use sinking
fund
instead of
borrowing.

A.D. 1923. — borrowed and charged upon all the revenues of the Corporation and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

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

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

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

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

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

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

Return to
Minister of
Health
with
respect to
repayment
of debt.

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

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

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

A.D. 1923.

Application
of money
borrowed.Expenses of
execution
of Act.Appointed
auditor.

388. All money borrowed under the provisions of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

389. Any expenses incurred by the Corporation in the execution of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund.

390.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors appointed under the Municipal Corporations Acts. Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as “the appointed auditor.”

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditors and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

391. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

A.D. 1923.

Interest on mortgages held jointly.

392. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Receipt in case of persons not sui juris.

393. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Evidence of transfer or transmission of securities.

394. The repeal by this Act of section 52 of the Chesterfield Gas and Water Board Act 1895 and of any other enactments relating to the Chesterfield Corporation (Gas and Water) $2\frac{3}{4}$ per centum Redeemable Stock created and issued under section 52 of the Chesterfield Gas and Water Board Act 1895 and the Acts and Orders amending that Act shall have no effect until the whole of the said stock has been redeemed or purchased and extinguished and those provisions shall continue to apply as if this Act had not been passed.

Chesterfield Corporation (Gas and Water) $2\frac{3}{4}$ per cent. Redeemable Stock.

395.—(1) The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882—

Subscriptions to local government associations and other expenses.

(a) Reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities

A.D. 1923.

or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

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

Applica-
tion of
revenue and
payment of
expenses of
under-
takings.

396. All money received by the Corporation on account of the revenue of the following undertakings (namely) :—

- (1) the gas undertaking;
- (2) the water undertaking;
- (3) the tramways undertaking;
- (4) the omnibus undertaking;
- (5) the trolley vehicle undertaking;
- (6) the electricity undertaking;
- (7) the markets undertaking (which for the purposes of this section and of the provisions of this Act hereinafter contained shall include the slaughter-house undertaking);

shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred

in respect of those undertakings shall be paid out of that fund. A.D. 1923.

397.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the following undertakings (namely) :— Reserve funds.

- (a) the gas undertaking;
- (b) the water undertaking;
- (c) the tramways undertaking;
- (d) the omnibus undertaking;
- (e) the trolley vehicle undertaking;
- (f) the electricity undertaking;
- (g) the markets undertaking;

by setting aside and investing such an amount as they may from time to time think reasonable and investing the same in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of the undertaking :

Provided that—

- (a) in the case of the gas undertaking or of the water undertaking—

- (i) the amount to be set aside in any year shall not exceed one-half per centum of the aggregate amount of capital expenditure on the undertaking;

- (ii) the maximum reserve fund shall not exceed a sum equal to one-tenth of the said aggregate amount of capital expenditure;

- (b) in the case of the electricity undertaking the maximum reserve fund shall not exceed a sum equal to one-tenth of the aggregate amount of capital expenditure on the undertaking.

(2) Any reserve fund which has been formed for the purposes of any of the said undertakings and which is in existence at the commencement of this Act shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from

A.D. 1923. — the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Separate
accounts
to be kept.

398. The Corporation shall keep separate accounts in respect of each of the following undertakings distinguishing therein capital from revenue (namely):—

- (1) the tramways undertaking;
- (2) the omnibus undertaking;
- (3) the trolley vehicle undertaking;
- (4) the electricity undertaking;
- (5) the markets undertaking.

As to
deficiency
rates in
respect of
omnibuses.

399.—(1) As regards any rates which may be laid under the powers of this Act to make good any loss which may be incurred in the running of omnibuses outside the borough the owners of any land used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed for such rates in respect of the same in the proportion of one-fourth part only of the net annual value thereof.

(2) The accounts of receipts and expenditure in connection with such omnibuses shall at all reasonable times be open to the inspection of the railway company occupying any such land and their officers.

Form of
accounts.

400. Notwithstanding anything contained in this Act the Corporation shall show in their accounts relating to any undertaking or purpose all items (including payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

401. In all cases in which the Corporation keep separate accounts for separate purposes they may apportion between those accounts or carry to either of them any receipts credits payments and liabilities which from time to time it appears to them ought to be so apportioned or carried.

A.D. 1923.

—
Apportion-
ment of
items.

PART XXIII.

MISCELLANEOUS.

402. The following provisions for the protection of the railway companies (each of whom is in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect in relation to the exercise of the powers of this Act (that is to say):—

For further
protection
of railway
companies.

(1) In constructing laying and maintaining any mains pipes culverts or other works authorised by Part III. (Gas) or Part IV. (Water) of this Act (hereinafter referred to as "the authorised works") over upon across under or otherwise affecting any work or property of the company the Corporation shall execute and maintain such works with all reasonable despatch and under the direction and superintendence (if given) and to the reasonable satisfaction of the engineer of the company and in accordance with plans sections and specifications previously submitted to and reasonably approved by him :

(2) The Corporation shall with all reasonable despatch restore and make good to the reasonable satisfaction of the said engineer the railway and other property of the company and the roads over or under any bridge or over any level crossing of such railway or over the approaches to any such bridge so far as the same may be disturbed or interfered with by or in connection with the authorised works :

(3) If the company so elect they may themselves execute the authorised works (other than the actual laying down and maintenance of the pipes) and may recover from the Corporation the reasonable expenses incurred by the company in connection therewith :

A.D. 1923.

- (4) The authorised works shall be constructed executed and maintained so as not to cause any injury or damage to the railway or other property of the company or any interruption to the passage or conduct of traffic over such railway or at any station thereon and if any such injury damage or interruption arises from the acts or operations of the Corporation or by reason of the failure of the Corporation to maintain the authorised works or from the bursting leakage or failure of the authorised works all such injury or damage shall forthwith be made good by the company at the expense of the Corporation and the Corporation shall indemnify the company from all claims for or arising out of any such injury damage or interruption and shall make compensation to the company for and in respect thereof :
- (5) In the event of the Corporation failing to maintain the authorised works in substantial repair and good order to the reasonable satisfaction of the said engineer or in case of emergency the company may make good the same and make and do in and upon the lands of the Corporation or their own lands all such repairs and things as may be reasonably requisite and recover from the Corporation the reasonable expenses incurred by them in connection therewith :
- (6) If it should be necessary during the construction of the authorised works or by reason of the existence of the same to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the company the company may effect such alterations and the Corporation shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (7) The Corporation shall bear and on demand pay to the company the reasonable expense incurred by the company of and in connection with the employment by them during the construction and maintenance of the authorised works over

under or across the railway or other property of the company of a sufficient number of inspectors signalmen or watchmen to be appointed by the company for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the authorised works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person or persons in the employ of the Corporation or their contractors : A.D. 1923.

- (8) If at any time it is found necessary in order to enable the company to carry out any alterations widenings or extensions of their railway or works under their existing powers that the position of the authorised works shall be altered the Corporation shall on receiving notice in writing from the company so to do at the Corporation's own cost and with all despatch alter the position of the same so far as may be necessary to enable the company to carry out such alterations widenings or extensions and the provisions of this section shall apply to the authorised works in their altered position :
- (9) Any additional expense which the company may reasonably and properly incur in connection with their railway or other works by reason of the existence of the authorised works shall be paid by the Corporation :
- (10) Any difference arising between the Corporation and the company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed failing agreement at the request of either party by the President of the Institution of Civil Engineers.

403. In executing the works and exercising the powers authorised by Part III. (Gas) or Part IV. (Water) of this Act so far as they affect any road which may now or hereafter be or become a main road (in this section For further protection of county council.

A.D. 1923. referred to as "any main road") or so far as they affect any county or main road bridge or approaches or other county work in the county of Derby vested in the county council the following provisions for the protection of the county council shall (unless otherwise agreed) apply and have effect (that is to say):—

- (1) All aqueducts conduits mains or lines of pipes to be laid in or along any main road or in upon or across any county or main road bridge or any arch connected therewith shall be constructed and laid in such a position in the road or bridge or at the side thereof and at such depth as the county council shall by writing under the hand of their surveyor (in this section referred to as "the county surveyor") reasonably direct and the gradient of the respective approaches to any such bridge shall not be altered without the consent of the county council but such consent shall not be unreasonably refused:
- (2) Nothing contained in the said Parts of this Act shall authorise the Corporation to interfere with the structural part of any county or main road bridge without the consent in writing of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine:
- (3) Nothing contained in the said Parts of this Act shall interfere with the right of the county council at any time or times to alter the level of or deviate drain widen re-construct or improve in any manner they think fit any main road in or along which any aqueducts conduits mains or lines of pipes of the Corporation shall have been laid under the authority of this Act and the Corporation shall with all convenient speed on receiving notice in writing under the hand of the county surveyor so to do alter the position of any such aqueducts conduits mains or lines of pipes in the manner and to the extent prescribed in such notice and to the satisfaction of the county surveyor;

Provided that—

A.D. 1923.

(a) the county council shall afford all reasonable facilities to the Corporation for such alteration;

(b) during the alteration deviation draining widening reconstruction or improvement of such main road the county council shall afford all reasonable facilities for temporarily carrying such aqueducts conduits mains or lines of pipes along the main road so as not to interrupt the continuous supply of gas or water or to diminish the pressure of such supply through such aqueducts conduits mains or lines of pipes;

The expense of any such alteration of the aqueducts conduits mains and lines of pipes of the Corporation shall if the parties disagree be borne as the arbitrator may direct :

- (4) Nothing contained in the said Parts of this Act shall interfere with the right of the county council at any time to remove alter widen reconstruct or rebuild any county or main road bridge or the approaches thereto over or attached to which any aqueducts conduits mains or lines of pipes of the Corporation constructed under the powers of this Act are carried in the same manner as they might have removed altered widened reconstructed or rebuilt such bridge or the approaches thereto if this Act had not been passed and if such aqueducts conduits mains or lines of pipes had not been laid over or attached to any such bridge and in the event of any such bridge or the approaches thereto over or attached to which any such aqueducts conduits mains or lines of pipes are laid being removed altered widened reconstructed or rebuilt as aforesaid the Corporation shall at their own expense in all things alter the position of such aqueducts conduits mains or lines of pipes and any works by which the same are carried over or attached

A.D. 1923.

to any such bridge or the approaches thereto as aforesaid to the reasonable satisfaction of the county surveyor:

Provided that—

(a) the county council shall afford all reasonable facilities to the Corporation for such alteration;

(b) during such removal alteration widening reconstructing or rebuilding of such bridge or the approaches thereto as aforesaid the county council shall afford at the expense of the Corporation all reasonable facilities for temporarily carrying such aqueducts conduits mains or lines of pipes across the stream river or other place over which such bridge is carried so as not to interrupt the continuous supply of gas or water or to diminish the pressure of such supply through such aqueducts conduits mains or lines of pipes:

- (5) All works of the Corporation so far as they affect any main road or county or main road bridge shall be so executed by the Corporation so far as reasonably practicable as not in any way to impede or interfere with the traffic on any such road or bridge or the approaches thereto and the Corporation shall not without the consent of the county surveyor open or break up at any one time a greater length than one hundred yards of any road and where any material or soil from any works trenches or excavations in any main road is deposited upon the metalled portion of the main road such material or soil shall be so placed as the county surveyor may reasonably direct:

Provided always that where reasonably practicable at least twelve feet of metalled road shall be kept clear for the use of the public:

- (6) All costs charges amounts and expenses payable by the Corporation to the county council or by the county council to the Corporation under

the provisions of this section shall be recoverable as a debt due from the Corporation to the county council or from the county council to the Corporation as the case may be : A.D. 1923.

- (7) The county council shall not be liable for or in respect of any damage or injury to any aqueducts conduits mains pipes connections meter boxes manholes stopcocks or other property of the Corporation laid or fixed in or upon the metalled portion of any main road or county or main road bridge arising from the ordinary use by the county council of a steam or other roller not exceeding fifteen tons in weight :
- (8) If any difference arise between the county council and the Corporation touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by arbitration by an engineer to be agreed upon between the county council and the Corporation and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

404. The Corporation may in connection with and for the purposes of the gas undertaking and of the electricity undertaking respectively fit up show-rooms and offices and exhibit specimen installations and give demonstrations of the uses to which gas or electricity can be put and may appoint and pay persons for the purposes aforesaid.

As to
offices and
show-
rooms.

405.—(1) The Corporation may with the consent of the owner of any building or bridge attach thereto (but in the case of a bridge only to the underside thereof) such brackets pipes wires and attachments as may be required for lighting any street in the gas limits or the electricity limits.

Attachment
of brackets
&c. to
buildings.

(2) Provided that—

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

A.D. 1923.
—

or bridge 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;

(b) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building or bridge 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 court of summary jurisdiction shall have the same powers as under proviso (a);

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

(3) 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.

(4) Notwithstanding anything contained in this section no brackets wires or attachments shall be attached to any bridge or building belonging to or forming part of the railway or canal undertaking of a railway company without the previous consent in writing of that company or if in the opinion of an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers such consent is unreasonably withheld the consent of such engineer.

Public
drinking
fountains.

406.—(1) The Corporation may in proper and convenient situations in any street or public place put up and continue drinking fountains and cattle-troughs with proper conveniences for the gratuitous supply of water

for drinking and for watering of cattle and horses at such fountains or troughs respectively and may remove or discontinue the same.

A.D. 1923.

(2) The Corporation shall not put up any drinking fountain or cattle trough under this section—

(a) in any main road without the consent in writing of the county council; or

(b) so as to interfere with or render less convenient the access to or exit from any railway station or depôt of a railway company.

407. The Corporation may convert any clinkers or other refuse or surplus material or product arising in connection with their refuse destructor or destructors into slabs of artificial stone bricks concrete mortar material for filtration or percolation purposes at sewage disposal works and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the destructor account.

Power to convert destructor refuse into slabs and other materials and to use and sell such materials.

408. 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.

409. The Corporation may acquire hold and exercise such patent and other rights and licences (not being exclusive) as they deem necessary or expedient for any of the purposes of this Act or of their several undertakings.

Power to hold patent rights.

410. The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged

Expenses may be declared private improvement expenses.

A.D. 1923. — upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Power to enter premises.

411. 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 XII. (Streets and buildings) Part XIII. (Sewers and drains) and Part XVI. (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

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

Authentication and service of notices &c.

413.—(1) Where any notice or demand under any local enactment requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be a sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under any local enactment 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. A.D. 1923.

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

In execut-
ing works
for owner
Corpora-
tion liable
for negli-
gence only.

415. Where under any local enactment or any general Act 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.

As to
breach of
conditions
of consent
of Cor-
poration.

416. All consents given by the Corporation under the provisions of any local enactment shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk.

Consent of
Corpora-
tion to be
in writing.

417. 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 any local enactment or general Act 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

Evidence
of appoint-
ments
authority
&c.

A.D. 1923. a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Application
of Arbitra-
tion Act
1889.

418. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Apportion-
ment of
expenses in
case of
joint
owners.

419. Where under the provisions of any local enactment 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 such enactment 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.

Recovery of
demands in
county
court.

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

Recovery of
penalties &c.

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

Penalties
to be paid
over to
treasurer.

422. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the

credit of the borough fund or to such other fund as the Corporation shall direct. A.D. 1923

423. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of any local enactment or of any general Act under which the Corporation or any of their officers are empowered to take proceedings may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough. Informations by whom to be laid.

424. 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: Saving for indictments &c.

Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

425. Where the payment of more than one sum by any person is due to the Corporation under any local enactment or general Act any summons or warrant issued for the purposes of such Acts or any of them in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Summons or warrant may contain several sums.

426.—(1) The provisions of the following sections of the Public Health Act 1875 (namely)— Confirmation of byelaws.

Section 182 (Authentication and alteration of byelaws);

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 other than byelaws to which the provisions of the Tramways Act 1870 or the Electric Lighting Act 1882 are made applicable.

(2) Provided that as respects byelaws made under the section of this Act whereof the marginal note is

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“Byelaws as to bicycles &c. on certain footpaths” the Secretary of State shall be substituted for the Minister of Health.

As to
appeal.

427. 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 this Act hereinafter referred to or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

The provisions hereinbefore referred to are the provisions of Part XII. (Streets and buildings) Part XIII. (Sewers and drains) Part XIV. (Streams and bridges) Part XV. (Advertisements and sky signs) Part XVI. (Infectious disease and sanitary provisions) Part XVIII. (Common lodging-houses and houses let in lodgings) and Part XIX. (Hackney carriages and police) of this Act.

Applica-
tion of
section 265
of Public
Health
Act 1875.

428. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Judges &c.
not dis-
qualified.

429. A judge of any court or a justice shall not be disqualified from acting in the execution of any local enactment by reason of his being liable to any rate.

Compensa-
tion how
to be
determined.

430. When any compensation costs damages or expenses is or are by any local enactment directed to be paid and the method of 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 Provided that where any such compensation costs damages or expenses is or are directed or authorised to be paid or recovered in addition to any penalty for any offence the amount of such compensation costs damages or expenses in case of dispute may be

ascertained by the court before whom any offender is convicted. A.D. 1923.

431.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by that Minister under the Public Health Act 1875. Inquiries by Minister of Health.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

432. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board." Inquiries by Minister of Transport.

433. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed: Powers of Act cumulative.

Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

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

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Costs of
Act.

435. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or such other funds and revenues and in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose.

PART XXIV.

REPEAL.

Repeal of
Acts.

436.—(1) Subject to the provisions of this Act the unrepealed provisions of the Acts specified in Part I. of the First Schedule the Orders specified in Part II. of that schedule and so much of the Acts specified in that part as relates to the said Orders (all of which provisions are referred to in this Part of this Act as “the repealed Acts”) are hereby repealed.

(2) Provided that the repeal of section 93 (Rates may be amended to accord with poor rate and with new or supplementary valuation list) of the Chesterfield Corporation Act 1914 and of Article XXIX. (Differential rating) of the Chesterfield (Extension) Order 1920 shall not take effect until the first day of April nineteen hundred and twenty-four.

Savings
from effect
of repeal.

437.—(1) Notwithstanding the repeal of the repealed Acts—

(a) All property vested in the Corporation at the commencement of this Act shall continue vested in the Corporation and all acts works matters and things before the commencement of this Act done or commenced under the powers of the repealed Acts or any of them and which were at the commencement of this Act valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts deeds instruments leases obligations restrictions conditions rights and remedies shall be and continue valid and available for and against all parties and may be continued enforced and completed as if this Act had not been passed;

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—

- (b) All actions arbitrations prosecutions and proceedings (including adjustments of property income debts liabilities and expenses under the provisions of the Chesterfield (Extension) Order 1920) by with or against the Corporation by reason of any matter or thing accruing or done before the commencement of this Act under or in execution of or in relation to the provisions of the repealed Acts or any of them may be continued commenced taken made or prosecuted by or against the Corporation as if this Act had not been passed;
- (c) Any enactment in the repealed Acts which altered or prescribed the boundaries of the borough or of any district parish ward electoral division or other area or which abolished any such area or which made provision with regard to the council or other local authority of any such area or in regard to the members of any such council or authority shall continue to have effect as if this Act had not been passed;
- (d) All existing byelaws rules regulations orders and licences shall continue in force until repealed altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act;
- (e) All rates rents tolls charges and other sums at the commencement of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed;
- (f) All books and documents which under any of the repealed Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed;
- (g) Any agreement or document relating to the provisions of any of the repealed Acts which are re-enacted in this Act shall be of full force and effect and shall be deemed to refer to the provisions in that behalf contained in this Act.

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(2) The mention of particular matters in this Part of this Act shall not be held to prejudice or affect the general application of section 38 (Effect of repeal in future Acts) of the Interpretation Act 1889.

Saving as to
Extension
Orders 1910
and 1920.

438. Notwithstanding the repeal of the Chesterfield (Extension) Order 1910 and the Chesterfield (Extension) Order 1920—

- (1) The North Derbyshire Hospital (County of Derby) Order 1896 as altered by the North Derbyshire Hospital (County of Derby) Order 1896 Amendment Order 1900 shall continue to have effect as if for the purposes of those orders the rural district and the rural district council to which those orders relate were respectively the rural district and the rural district council as the same exist at the commencement of this Act :
- (2) The Borough of Chesterfield Hospital (County of Derby) Order 1898 as altered by the Chesterfield Joint Hospital (County of Derby) Order 1900 shall have effect as if for the purposes of those orders the borough and the Corporation and the Brampton and Walton District and the Brampton and Walton Council to which those orders relate were respectively the borough as the same exists at the commencement of this Act and the Corporation thereof and the urban district of Brampton and Walton as the same exists at the commencement of this Act and the district council of that district :
- (3) The number of members of the Chesterfield Joint Hospital Committee to be elected by the Corporation shall continue to be eight :
- (4) The number of county councillors for the administrative county of Derby shall continue to be sixty-five of which number six shall be apportioned to the borough and fifty-three shall be apportioned to so much of the said county as is not included in the borough and in the boroughs of Glossop and Ilkeston and the order of the Local Government Board dated the fourteenth day of August eighteen hundred and eighty-eight shall be deemed to be altered accordingly :

- (5) The area comprised in the borough shall continue to form the six electoral divisions of the said county at present existing namely the Chesterfield No. 1 electoral division comprising the area included in the New Whittington and Old Whittington Wards the Chesterfield No. 2 electoral division comprising the area included in the Newbold and the Moor Wards the Chesterfield No. 3 electoral division comprising the area included in the Trinity and St. Helen's Wards the Chesterfield No. 4 electoral division comprising the area included in the St. Leonard's and Central Wards the Chesterfield No. 5 electoral division comprising the area included in the Holme Brook and West Wards and the Chesterfield No. 6 electoral division comprising the area included in the Hasland and Rother Wards : A.D. 1923.
- (6) The number of guardians for the township of Chesterfield shall continue to be twelve and the said township shall for the purposes of the election of guardians continue to be divided into the twelve wards into which the same is divided at the commencement of this Act :
- (7) One guardian shall continue to be assigned to each of the said wards :
- (8) Nothing in this Part of this Act shall affect the date on which any member of the present board of guardians of the Chesterfield Union would otherwise retire :
- (9) Nothing in this Part of this Act shall affect the date on which any alderman or councillor elected for the borough in the year nineteen hundred and twenty would otherwise retire.

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SCHEDULES.THE FIRST SCHEDULE.

PART I.—LOCAL ACTS.

Session and Chapter.	Title or Short Title.
17 & 18 Vict. c. cxiv.	The Chesterfield Market Act 1854.
18 Vict. c. xxix.	The Chesterfield Waterworks and Gaslight Company's Act 1855.
28 Vict. c. xxxvi.	The Chesterfield Waterworks and Gaslight Company's Extension Act 1865.
34 & 35 Vict. c. cxviii.	The Chesterfield Waterworks and Gaslight Company's Act 1871.
36 Vict. c. xvii.	The Chesterfield Corporation Markets Act 1873.
39 & 40 Vict. c. xlix.	The Chesterfield Waterworks and Gaslight Company's Act, 1876.
58 & 59 Vict. c. cxlvii.	Chesterfield Gas and Water Board Act 1895.
1 Edw. 7. c. cx.	Chesterfield Improvement Act 1901.
4 Edw. 7. c. xxxvii.	Chesterfield Corporation Tramways and Improvements Act 1904.
4 Edw. 7. c. xlv.	Chesterfield Gas and Water Board Act 1904.
1 & 2 Geo. 5. c. xlv.	Chesterfield Gas and Water Board Act 1911.
3 & 4 Geo. 5. c. xxxv.	Chesterfield Corporation Railless Traction Act 1913.
4 & 5 Geo. 5. c. xvi.	Chesterfield Corporation Act 1914.

PART II.—PROVISIONAL ORDERS AND
CONFIRMATION ACTS.

30 & 31 Vict. c. lxxxiii.	Provisional Order repealing a local Act in force within the district of the Chesterfield Local Board (confirmed by the Local Government Supplemental Act 1867 (No. 5)).
40 & 41 Vict. c. ccxxvii.	Provisional Order to enable the urban sanitary authority for the borough of Chesterfield to put in force the compulsory clauses of the Lands Clauses Consolidation Acts 1845 1860 and 1869 (confirmed by the Local Government Board's Provisional Orders Confirmation (Caistor Union &c.) Act 1877).

Session and Chapter.	Title or Short Title.	A.D. 1923.
40 & 41 Vict. c. ccxlii.	Provisional Order to enable the urban sanitary authority for the district of Newbold and Dunston to put in force the compulsory clauses of the Lands Clauses Consolidation Acts 1845 1860 and 1869 (confirmed by the Local Government Board's Provisional Orders Confirmation (Atherton &c.) Act 1877).	
55 & 56 Vict. c. ccxxiv.	Borough of Chesterfield Order 1892 (confirmed by the Local Government Board's Provisional Order Confirmation (No. 14) Act 1892).	
63 & 64 Vict. c. liv.	Chesterfield (Gas and Water Board) Order 1900 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1900).	
10, Edw. 7. & 1 Geo. 5. c. lxxxiii.	Chesterfield (Extension) Order 1910 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1910).	
10 & 11 Geo. 5. c. cxxvi.	Chesterfield (Extension) Order 1920 (confirmed by the Ministry of Health Provisional Order Confirmation (Chesterfield Extension) Act 1920).	

THE SECOND SCHEDULE.

TERMS AND CONDITIONS OF SUPPLY OF WATER TO THE URBAN DISTRICT OF BRAMPTON AND WALTON.

1. In this schedule the expression "the district" means the urban district of Brampton and Walton the expression "the council" means the district council of that district and "the Corporation" means the mayor aldermen and burgesses of the borough of Chesterfield.

2. In consideration of the council having surrendered and relinquished to the Corporation whatever rights the council formerly possessed in the well at Holymoorside in the said district called Whispering Well the waters therein and in all water mains stand-pipes tanks and other works formerly belonging to the council and used for storing and distributing the water from the said well the inhabitants of Holymoorside aforesaid who on

A.D. 1923. the twenty-sixth day of April nineteen hundred and five derived their water supply from the well at Holymoorside (called "Whispering Well")-shall continue to have the free use of the said water until such time as the Corporation shall provide an efficient supply of water to those districts in the council's area in respect of which powers to construct the necessary works to afford such supply were obtained in the Chesterfield Gas and Water Board Act 1911 which powers are renewed by the section of Part IV. of this Act the marginal note whereof is "Power to construct works."

3. Subject to the provisions contained in paragraphs 2 and 4 of this schedule the charges for the supply of water within the district shall be two-thirds of the charges for the time being prevailing in the borough.

4. The Corporation may should they consider it to be necessary so to do in the general interests of the water undertaking after three months' notice in writing under the hand of the town clerk for the time being to the clerk of the council for the time being of their intention so to do charge for the supply of water within the district the same water rates as those for the time being prevailing within the borough. Provided always that such notice if and when the same is given shall not be deemed to apply in respect of any premises within the district which at the date when such notice is given are not supplied with an efficient supply of water.

5. If and when the Corporation shall provide an efficient supply of water to any of the premises referred to in the proviso contained in the last preceding paragraph of this schedule subsequent to the date when the notice referred to in the said paragraph shall have been given the said increased charges for water shall be operative in respect of such premises on and from the first day of April or the first day of September as the case may be next following the date when such efficient supply of water shall have been given.

6. The owners or occupiers of houses at Holymoorside abutting upon any public highway wherein the existing water mains are laid shall be at liberty to connect a supply pipe from their houses with the existing mains or any mains laid in substitution therefor at their own expense (subject to the work being carried out in compliance with the regulations for the time being in force within the water limits and to the satisfaction of the Corporation) but this paragraph shall not apply to any houses erected after the twenty-sixth day of April nineteen hundred and five.

7. The present stand-pipes shall be abolished and troughs covered and automatically fed by ball tap or otherwise as the Corporation may think proper (not less than four in number) shall

be provided by the Corporation and placed in such positions to existing mains or any mains laid in substitution therefor as may be selected by the council. The supply to the troughs to be free and the inhabitants of Holymoorside to have free access thereto for ever provided that such supply shall not be used for other than ordinary domestic purposes or fouled and that no waste or undue consumption thereof shall take place. A.D. 1923.

8. The Corporation to erect maintain and keep in repair the said troughs. In case the water from Whispering Well becomes at any time diminished in quantity the Corporation will insure to the inhabitants of Holymoorside the first claim to the remaining water so that such inhabitants may have a constant and full supply (as far as may be) before any water is taken for the supply of other persons or for any other purpose.

9. The Corporation will supply to the council free of cost such quantity of water as may be reasonably required for flushing the drains at Holymoorside not exceeding two hundred gallons at any one time and at not more frequent intervals than fourteen days.

10. If to maintain the existing supplies of water to Cutthorpe Old Brampton and Baslow Road in the said district the Corporation require to have the free use of the piece of public ground at Wadshelf and of the land on the side of the road from Wadshelf to Old Brampton the council will grant the same provided the Corporation maintain an adequate and free supply of water to the existing troughs at Wadshelf for the use of the inhabitants. And in the construction of any works or making of excavations the Corporation shall at all times keep the roads open and in a safe condition for traffic. Should the Corporation decide to supply the above-mentioned places with water from any other source the council will afford similar facilities to those previously mentioned.

11. The Corporation will at all times hereafter indemnify the council from all claims by any person or persons for any damage sustained or alleged to be sustained in consequence of anything done by the Corporation under the provisions of this schedule.

12. In case of any dispute arising under this schedule as to whether the supply of water to any particular premises in the district is or is not efficient within the meaning of the terms of this schedule the question shall be referred to the engineer for the time being of the water undertaking of the rural district council of Chesterfield whose decision shall be final.

A.D. 1923.

THE THIRD SCHEDULE.

EXISTING TRAMWAYS.

TRAMWAY No. 1—(3 miles 4 furlongs 8·68 chains or thereabouts in length whereof 2 miles 9·32 chains or thereabouts is single line and 1 mile 3 furlongs 9·36 chains or thereabouts is double line) situate wholly in the parish and borough of Chesterfield commencing at the existing terminus of the tramway in Chatsworth Road proceeding thence along Chatsworth Road West Bars High Street Burlington Street Cavendish Street Holywell Street and Sheffield Road and terminating at the existing terminus at a point in Sheffield Road 1·80 chains or thereabouts north of the intersection of Avenue Road and Sheffield Road.

TRAMWAY No. 2—(5·15 chains or thereabouts in length whereof 3·25 chains or thereabouts is single line and 1·90 chains or thereabouts is double line) situate wholly in the parish and borough of Chesterfield commencing by a junction with Tramway No. 1 at the junction of Park Road and West Bars and proceeding thence along Low Pavement to and terminating at a point seven yards south of the south-east corner of the Market Hall.

THE FOURTH SCHEDULE.

MARKET TOLLS AND CHARGES.

THE FIRST PART.

List of charges to be demanded and taken—

I. WITHIN THE MARKET HOUSE.

(a) For every shop shed stall stand compartment or space of whatever nature or kind (except as herein otherwise charged) tolls not exceeding the following per day may be taken :—

	s.	d.
For every superficial square foot or fraction thereof	0	2

2. WITHIN THE MARKET HOUSE OR ANY OPEN MARKET PLACE. A.D. 1923.

BUTTER EGGS POULTRY AND GAME.

	s.	d.
(a) For butter and eggs carried or contained in any basket for each basket according to the size thereof per day not exceeding - - - - -	0	4
(b) For every stall stand compartment or space of whatever nature or kind tolls not exceeding the following per day may be taken :—		
For every superficial square foot or fraction thereof	0	3
(c) For every turkey or goose - - - - -	0	2
(d) For every fowl or duck - - - - -	0	0½
(e) For every half-dozen pigeons alive or less number thereof - - - - -	0	2
(f) For every half-dozen pigeons dead or less number thereof - - - - -	0	1
(g) For every pheasant - - - - -	0	1
(h) For every partridge or grouse - - - - -	0	0½
(i) For every bird not hereinbefore mentioned - - - - -	0	0½
(j) For every hare - - - - -	0	1
(k) For every rabbit alive - - - - -	0	1
(l) For every rabbit dead - - - - -	0	0½

3. IN MARKET PLACES AND OTHER SPACES USED FOR MARKET PURPOSES.

GROUND SPACE.

(a) For every compartment or space on the surface of the ground for sale by wholesale or retail tolls not exceeding the following per day, save as otherwise provided may be taken :—		
For every superficial square foot or part thereof -	0	2
For every cart used as a compartment - - - - -	2	0
For every four-wheeled vehicle so used - - - - -	4	0

RETAIL STALLS.

(b) For every stall stand compartment or space of whatever nature or kind used for exposing to sale flesh meat bacon pork fish or any other live or dead victuals fruit vegetables confectionery or other consumable things manufactured goods wares or merchandise and for any marketable commodities of whatever nature or kind (except as herein otherwise specially charged) tolls not exceeding the following per day may be taken :—		
For every superficial square foot or fraction thereof - - - - -	0	2
Provided that an additional charge may be made for each and every stall provided for such space by the Corporation for every superficial foot or fraction thereof a sum per day not exceeding -	0	2

A D. 1923.

AUCTIONS.

	<i>s.</i>	<i>d.</i>
(c) For every sale by auction of whatever nature or kind other than sale of cattle in the cattle market per superficial foot of ground occupied per day - -	0	4
(d) Minimum daily charge - - - - -	2	6

HORSES CATTLE SHEEP &C.

(e) For every pen provided by the Corporation enclosing not more than nine superficial square yards for horses cattle sheep lambs goats kids pigs or other animal per day - - - - -	1	0
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And so in proportion for any greater area than nine superficial square yards to be enclosed by any pen.

(f) For each cart containing any animal for sale in addition to the toll for each animal therein - - -	0	6
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(g) Each auctioneer to be charged as under for animals sold or offered for sale by auction by him in the cattle market over and above the prescribed tolls viz:—		
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For every horse foal or pony - - - - -	0	2
For every bull bullock cow steer heifer or yearling	0	1
For every mule or ass - - - - -	0	1
For every calf sheep ram lamb pig or goat - - -	0	0½
For every other animal - - - - -	0	2

Provided that if the said charges for animals so sold or offered for sale by auction in the market by any auctioneer in any one day do not amount in the aggregate to one shilling the said sum of one shilling shall be paid by him notwithstanding in lieu of a charge per head for each animal &c. so sold or offered for sale.

CARTS &C.

(h) For every cart not exceeding - - - - -	1	0
(i) For every four-wheeled carriage or wagon or motor car (other than a heavy motor car) not exceeding -	1	3
(j) For every heavy motor car tractor or engine not exceeding - - - - -	3	6
(k) For every implement according to the size thereof not exceeding - - - - -	2	0
(l) For every load of hay according to the size thereof not exceeding - - - - -	2	0

4. IN THE MARKET HOUSE OR ANY OPEN MARKET PLACE.

A.D. 1923.

General Tolls.

	<i>s.</i>	<i>d.</i>
(a) For every basket hamper or thing containing vegetables or fruit for every foot in length for each day not exceeding - - - - -	0	3
(b) For every sack or bag of vegetables or fruit placed in the market or at any place adjacent thereto for each day not exceeding - - - - -	0	3
(c) For articles not specifically charged placed on a table or stand the following sums namely :—		
For every square foot or fraction thereof of the table or stand for each day - - - - -	0	2
For articles in a tub or cask capable of containing not more than 3 bushels - - - - -	0	6

Places of Amusement.

- (a) For every show caravan exhibition booth tent theatre swing roundabout rifle gallery stall stand or other place or means of amusement or entertainment such sum as the Corporation or their officer may determine according to the nature and the extent and position of the space occupied by it.

N.B.—The specific tolls shall not be charged on any articles or commodities exposed for sale on any shed stall bulk trestle standing place wagon cart or station chargeable with toll under this schedule.

THE SECOND PART.

LIST OF CHARGES TO BE DEMANDED AND TAKEN IN THE CATTLE MARKET.

	<i>s.</i>	<i>d.</i>
For every stallion horse - - - - -	2	0
For every other horse - - - - -	1	0
For every mule or ass - - - - -	1	0
For every bull - - - - -	1	0
For every cow ox heifer or stirk - - - - -	0	6
For every calf - - - - -	0	3
For any number of sheep lambs sucking pigs or goats not exceeding six - - - - -	1	0
For ewe and lamb - - - - -	0	3
For every sheep lamb sucking pig or goat above the number of six - - - - -	0	2
For every pig other than a sucking pig - - - - -	0	4
For every load of hay or straw - - - - -	2	0

A.D. 1923.

THE THIRD PART.

WEIGHING.

	<i>s.</i>	<i>d.</i>
(a) For weighing every sack of corn seeds grain fruit or vegetables - - - - -	0	3
(b) For weighing every piece of meat or thing not more than 56 pounds avoirdupois - - - - -	0	3
(c) For weighing every piece of meat or thing 112 pounds or fractional part thereof over and above the first 56 pounds - - - - -	0	1
(d) For weighing any cattle per head - - - - -	0	4
(e) For weighing any sheep or swine per head - - - - -	0	2

THE FOURTH PART.

WEIGHING MACHINES.

(a) For weighing any cart wagon or other carriage laden or unladen not exceeding one ton - - - - -	0	3
(b) For weighing any cart wagon or other carriage weighing more than one ton for each additional ton or fractional part of a ton - - - - -	0	2

THE FIFTH SCHEDULE.

FORM OF NOTICE TO LODGING-HOUSE KEEPER.

Take notice that in pursuance of the provisions of the Chesterfield Corporation Act 1923 the mayor aldermen and burgesses of the borough of Chesterfield hereby require you to make application to them in writing on or before the day of _____ for a licence to keep a common lodging-house in the borough of Chesterfield and to receive lodgers therein and to specify in such application the premises in respect of which your application is made and the number of lodgers proposed to be received therein And the Corporation hereby give you notice that if you omit to make such application on or before the said _____ day of _____ and thereafter keep or continue to keep a common lodging-house in the said borough you will under the provisions of the said Act

be liable to a penalty not exceeding five pounds and to a penalty not exceeding forty shillings for every day during which the offence continues after conviction thereof And further take notice that on your applying to the town clerk of the borough at the town clerk's office Chesterfield such a licence as aforesaid if granted will be so granted by the Corporation free of all charge to you

A.D. 1923.
—

Dated this

day of


Town Clerk.

THE SIXTH SCHEDULE.

AGREEMENT WITH THE DUKE OF DEVONSHIRE.

AN AGREEMENT made the twenty-first day of November one thousand nine hundred and twenty-two between THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF CHESTERFIELD (hereinafter called "the Corporation") of the one part and the most Noble VICTOR CHRISTIAN WILLIAM DUKE OF DEVONSHIRE K.G. (hereinafter called "the Owner" which expression where the context so admits shall include his heirs executors administrators and assigns) of the other part.

Stamp.



Ten
Shillings.

WHEREAS the Corporation in the ensuing session of Parliament (nineteen hundred and twenty-three) intend to promote a Bill for an Act the short title whereof is "Chesterfield Corporation Act 1923" (hereinafter referred to as "the Bill") and by Part XX. thereof the Corporation seek to be empowered to acquire the lands situate in Newbold and Whittington (now part of the borough of Chesterfield) which comprise the Chesterfield race-course and also to abolish the right of the public to run races over the said lands and all other public rights (if any) and to substitute therefor certain recreation and fair grounds.

And whereas the owner is seised in fee simple subject to the clause and provisions contained in a certain Act of Parliament made in the seventh year of the reign of his late Majesty King William the Fourth entitled "An Act for inclosing lands in the Manor of Newbold in the Parish of Chesterfield in the County of Derby" (hereinafter referred to as "the Newbold Act") and

A.D. 1923. — the award of the commissioner made thereunder of the lands coloured green and yellow on the plan annexed hereto which lands comprise the pieces or parcels of land or ground numbered 59 84 90 91 92 and 94 on the plan annexed to the said award and also of the small triangular piece of land on which or on some part of which there is erected a building known as "the Grand Stand" which last-mentioned piece of land is coloured pink on the plan annexed hereto and comprises the piece or parcel of land or ground numbered 93 (a) on the plan annexed to the said award :

And whereas the Owner is seised in fee simple free from incumbrances of the lands coloured purple on the plan annexed hereto :

And whereas in order to facilitate the object which the Corporation seek in Part XX. of the Bill and for other the purposes hereinafter appearing the Corporation and the Owner have agreed to the terms hereinafter contained :

Now therefore these presents witness that for the mutual considerations hereinafter appearing the Corporation and the Owner do hereby agree as follows (that is to say) :—

1. The Owner as beneficial owner shall convey to the Corporation free of any consideration other than the terms of this agreement—

- (a) The land coloured yellow on the plan annexed hereto containing by admeasurement an area of 1.296 acres or thereabouts :
- (b) The land coloured pink on the plan annexed hereto containing by admeasurement an area of .428 of an acre or thereabouts :
- (c) The land coloured purple on the plan annexed hereto containing by admeasurement an area of 13.498 acres or thereabouts.

2. The Corporation shall in part consideration of the said conveyance seek powers in the Bill to free the lands coloured green and yellow on the plan annexed hereto from all rights which the public may now have under the Newbold Act or the award of the commissioner made thereunder to use the said lands for the running of horse races or the training of horses or for any other purposes and the said lands coloured green shall remain vested in the owner free from all public rights obligations claims and restrictions of whatsoever nature.

3. The Corporation shall in further consideration of the said conveyance form level sewer channel and bottom with hard core a street forty-five feet wide in the direction shown by red

ticked lines on the plan annexed hereto and the Corporation may as and when and to the extent that the lands abutting thereon are built upon require the owners for the time being of the said lands to make up the said street pursuant to the provisions of the Private Street Works Act 1892 and immediately such works are completed to the satisfaction of the Corporation the said street shall be declared to be a highway repairable by the inhabitants at large.

A.D. 1923.
—

4. The Corporation shall in further consideration of the said conveyance seek powers in the Bill to secure that as and when and to the extent that the lands adjoining the land coloured yellow on the plan annexed hereto shall be developed such last-mentioned land shall be formed into the site of a street and the Corporation shall secure that the said street as and when and to the extent that the adjoining land is developed for building purposes is formed sewered levelled paved metalled flagged channelled made good and lighted and shall after the completion of the said works declare such street to be a highway repairable by the inhabitants at large.

5. The Corporation shall in further consideration of the said conveyance for ever maintain the said land coloured purple as a park or recreation or pleasure ground Provided always that nothing herein contained shall be deemed to prevent the Corporation either upon the land edged blue on the plan annexed hereto which is now the property of the Corporation or upon the said land coloured purple maintaining a pleasure fair on a sufficient area of either or both the said plots of land on not exceeding four days in any one year but with that exception the said land shall not be used for a pleasure fair or for any other purpose other than as aforesaid.

6. The said land coloured pink may be used by the Corporation for any of their statutory purposes Provided always that no nuisance shall be created thereon.

7. In the event of Parliament confirming this agreement the lands described in clause 1 hereof shall be conveyed to the Corporation within a period of three months from the date of the Royal Assent to the confirming Act and each party hereto shall pay their own solicitor's and surveyor's charges.

8. This agreement shall be scheduled to the Bill and the Corporation shall use their best endeavours to procure the insertion in the Bill of such provisions as may be required for the purpose of giving effect to this agreement but this agreement is made subject to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament

A.D. 1923. — making any material alteration therein either party may withdraw from this agreement.

In witness whereof the Corporation have caused their common seal to be hereunto affixed and the Owner has hereunto set his hand and seal the day and year first before written.

Signed sealed and delivered by the
said most Noble Victor Christian
William Duke of Devonshire in
the presence of } DEVONSHIRE.



L.S.

ALAN MACPHERSON

Solicitor

14 Great George Street
Westminster S.W.1.

The common seal of the mayor
aldermen and burgesses of the
borough of Chesterfield was here-
unto affixed in the presence of }



L.S.

GEO. CLARK

Mayor.


JAS. H. ROTHWELL

Town Clerk.

THE SEVENTH SCHEDULE.

AGREEMENT WITH JOHNSON PEARSON.

Stamp.



Ten
shillings.

AGREEMENT made the tenth day of October one thousand nine hundred and twenty-two between THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF CHESTERFIELD (hereinafter called "the Corporation") of the one part and JOHNSON PEARSON of Fern House Stonegravels Chesterfield aforesaid Pottery Manufacturer (hereinafter called "the Owner" which expression where the context so admits shall include his heirs executors administrators and assigns) of the other part.

WHEREAS the Corporation in the ensuing session of Parliament (one thousand nine hundred and twenty-three) intend to promote a Bill for an Act the short title whereof is "Chesterfield Corporation Act 1923" (hereinafter called "the Bill") and by Part Twenty thereof the Corporation seek to be empowered to

A.D. 1923.
—

acquire the lands situate in Newbold and Whittington (now part of the borough of Chesterfield) which comprise the Chesterfield racecourse and also to abolish the right of the public to run races over the said lands and to substitute therefor certain recreation and fair grounds:

And whereas the Owner is seised in fee simple subject to the clause and provisions contained in a certain Act of Parliament made in the first and second years of the reign of His late Majesty King George the Fourth entitled "An Act for enclosing lands in the parish of Whittington in the county of Derby" (hereinafter referred to as "the Whittington Act") and the award of the commissioners and umpire made thereunder of that portion of the racecourse which lies between the points "A" "B" and "C" on the plan annexed hereto and is in part coloured pink and in part edged pink and which comprises the piece or parcel of land or ground numbered five hundred and ninety-six on the plan annexed to the said award and also the piece or parcel of land or ground numbered six hundred and sixty-one on the said award plan as the same was diverted under the provisions of the Midland Railway (Chesterfield to Sheffield) Act 1864:

And whereas in order to facilitate the object which the Corporation seek in Part Twenty of the Bill and for other the purposes hereinafter appearing the Corporation and the Owner have agreed to the terms hereinafter contained:

Now therefore these presents witness that for the mutual considerations hereinafter appearing the Corporation and the Owner do hereby agree as follows (that is to say):—

1. The Owner as beneficial owner shall convey free of any consideration other than the terms of this agreement the land coloured pink on the plan annexed hereto and lying between the points "A" and "B" and containing by admeasurement two acres two roods twenty-seven poles and twenty square yards or thereabouts.

2. The Owner as beneficial owner shall convey at a price to be agreed between the Corporation and the Owner or failing agreement to be determined by arbitration pursuant to the provisions of the Arbitration Act 1889 so much of the land hatched blue on the said plan as lies between the points "B" and "F" and containing by admeasurement one thousand six hundred and forty-six square yards or thereabouts.

3. The Corporation shall in consideration of the said conveyance seek powers in the ensuing session of Parliament to free the lands edged pink on the said plan and lying between the points "B" and "C" from all rights which the public may now have under the Whittington Act or the award of the commissioners and umpire made thereunder to use the said land for the running of horse-races or the training of horses and the said lands so freed as aforesaid shall remain vested in the

A.D. 1923.

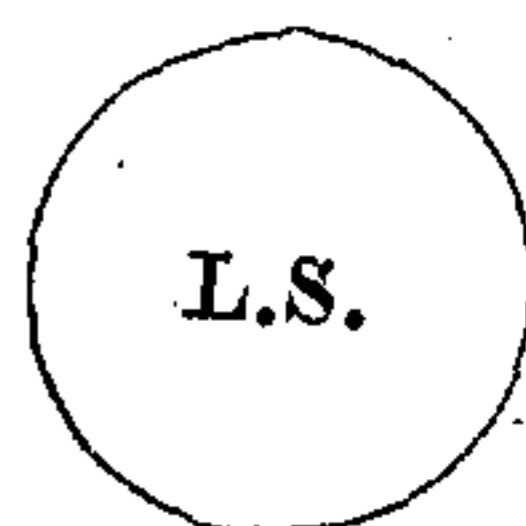
Owner provided that if and when so much of the land lying between Pottery Lane and King Street as belongs to the Owner is developed for building purposes the said land shall be so laid out as ultimately to provide an access forty-two feet wide from King Street and School Road to Pottery Lane in the manner and to the extent shown in green colour on the said plan and upon the laying out of any of the streets shown in green colour the Corporation may as and when and to the extent that the lands abutting thereon are built upon require the owners for the time being of the said lands to make up the said streets pursuant to the provisions of the Private Street Works Act 1892 and immediately such works are completed to the satisfaction of the Corporation the said streets shall be declared to be public highways.

4. If and so soon as the Corporation shall form and make means of access from Duke Street and King Street to Pottery Lane aforesaid in the direction and to the extent shown by blue hatching on the said plan the public footpath marked "D" and "E" on the said plan shall be closed and the site thereof vested in the Owner.

5. This agreement shall be scheduled to the Bill and the Corporation shall use their best endeavours to procure the insertion in the Bill of such provisions as may be required for the purpose of giving effect to this agreement but this agreement is made subject to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration therein either party may withdraw from the agreement.

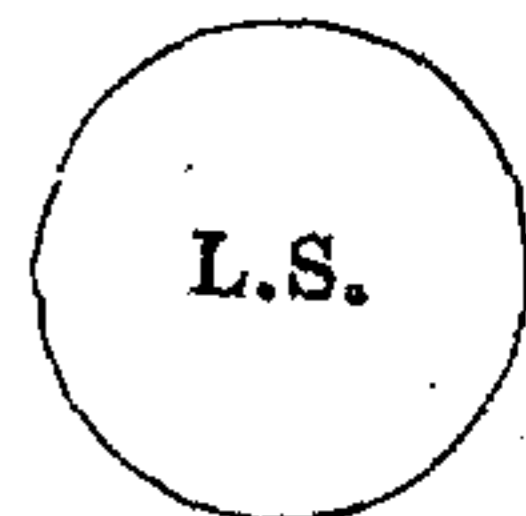
In witness whereof the Corporation have hereunto affixed their common seal and the Owner hath hereunto set his hand and seal the day and year first above written.

Signed sealed and delivered by the }
said Johnson Pearson in the } JOHNSON
presence of } PEARSON.



WILLIAM SMITH Clerk
3 Shaw Street
Whittington Moor.

The common seal of the mayor }
aldermen and burgesses of the }
borough of Chesterfield was here- }
unto affixed in the presence of }



WM. RHODES
Mayor
JAS. H. ROTHWELL
Town Clerk.

THE EIGHTH SCHEDULE.

A.D. 1923.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER PARTICULARS TO BE RENDERED UNDER THE CHESTERFIELD 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 garage stables or other premises as part of the same property - The quantity of land (if any) and how used . - - - -</p>	
<p>2. Full Christian names 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>	
<p>4. Whether the property is occupied— (a) Wholly as a private residence - - - - (a) or (b) Partly as a dwelling-house and partly for trade or business purposes - - - - (b) or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - - - (c) (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (d) Nature of the business (if any) - (d)</p>	

A.D. 1923

<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 - or 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 - or 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 the 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.e. 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>
<p>10. (a) Amount of land tax (if any) - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 (State in each case whether borne by the landlord or tenant.)</p>	<p>(a) £ : Borne by the (b) £ : Borne by the</p>

A D. 1923.

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

12. 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 particulars.)

DECLARATION.

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

THE NINTH SCHEDULE.

FORM OF MORTGAGE.

BOROUGH OF CHESTERFIELD.

By virtue of the Chesterfield Corporation Act 1923 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Chesterfield (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by (hereinafter referred to as "the mortgagee") do hereby grant and assign to the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said

A.D. 1923.

revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the day of _____ nineteen hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the office of the treasurer in the said borough [(subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ or (if not repaid on that date) at any time thereafter on the expiration of six calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by _____]:

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

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

Town Clerk.

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this _____ day of _____ nineteen hundred and _____

[13 & 14 GEO. 5.]

Chesterfield
Corporation Act, 1923.

[Ch. xcix.]

FORM OF TRANSFER OF MORTGAGE.

A.D. 1923.

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

Dated this _____ day of _____
nineteen hundred and _____

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FOR

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