



## CHAPTER lxiX.

An Act to confer further powers upon the mayor aldermen and burgesses of the county borough of Rotherham for the construction of street improvements and for the running of trolley vehicles and omnibuses to enlarge their powers in regard to their tramway gas electricity water and markets undertakings and to make further provision with respect to the health local government and improvement of the borough and for other purposes. A.D. 1924.  
[1st August 1924.]

**W**HEREAS it is expedient to empower the mayor aldermen and burgesses of the county borough of Rotherham (in this Act called "the Corporation") to construct street improvements waterworks and other works to enlarge their powers for the running of trolley vehicles and omnibuses and to make further provision with reference to their tramway gas electricity water and markets undertakings :

And whereas it is expedient to confer further powers upon the Corporation in relation to the health local government and improvement of the borough :

And whereas it is expedient to amend the provisions of the Rotherham Corporation Act 1921 relative to the granting of superannuation allowances to the officers and servants of the Corporation :

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

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

And whereas estimates have been prepared by the Corporation for the following purposes (that is to say) :—

	£
(a) The reconstruction and widening of the Jail Bridge and the embankment of the River Don authorised by this Act - - - - -	50,000
(b) The construction of the street improvements authorised by this Act other than the reconstruction and widening of the Jail Bridge - -	14,900
(c) The provision of trolley vehicles authorised by this Act - - - -	4,800
(d) The equipment of the said trolley vehicles - - - - -	11,350
(e) The provision of omnibuses - -	6,000
(f) The construction of the waterworks authorised by this Act - - -	20,800

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act :

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 also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were deposited with the clerk of the peace for the west riding of Yorkshire in the month of November nineteen hundred and twenty-three and in the month of March nineteen hundred and twenty-four which plans sections and book of reference are in this Act referred to as the deposited plans sections and books of reference :

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

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## PART I.

## PRELIMINARY.

1.—(1) This Act may be cited as the Rotherham Corporation Act 1924.

Short and  
collective  
titles.

(2) The Rotherham Corporation Acts 1801 to 1921 and this Act may be cited as the Rotherham Corporation Acts 1801 to 1924.

2. This Act is divided into Parts as follows (that is to say) :—

Division  
of Act  
into Parts.

Part I.—Preliminary.

Part II.—Lands and works.

Part III.—Trolley vehicles and omnibuses.

Part IV.—Gas.

Part V.—Electricity.

Part VI.—Water.

Part VII.—Markets.

Part VIII.—Streets and buildings.

Part IX.—Infectious disease and sanitary matters.

Part X.—Maternity homes.

Part XI.—Police.

Part XII.—Superannuation.

Part XIII.—Finance and rating.

Part XIV.—Miscellaneous.

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

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

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superfluous lands) is not incorporated with this Act;

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

(2) The Waterworks Clauses Act 1847 except—

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

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

(c) Section 83 (with respect to the yearly receipt and expenditure of the undertakers); and

(3) The Waterworks Clauses Act 1863.

Interpreta  
tion.

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

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

(a) “The borough” means the county borough of Rotherham;

(b) “The Corporation” means the mayor aldermen and burgesses of the county borough of Rotherham;

(c) “The council” means the council of the borough;

(d) “The town clerk” “the medical officer” “the surveyor” and “the sanitary inspector” mean respectively the town clerk the medical officer of health the surveyor and the sanitary inspector of the borough and include any persons duly authorised to discharge temporarily the duties of those offices;

- (e) "The overseers" means the overseers of the parish of Rotherham;
- (f) "The borough fund" and "the consolidated rate" mean respectively the borough fund and the consolidated rate of the borough;
- (g) "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;
- (h) "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;
- (i) "Local authority" means in the case of a borough or urban or rural district the council thereof;
- (j) "Road authority" means with reference to any road or part of a road over which any proposed trolley vehicle or omnibus will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;
- (k) "Child" means a person under the age of fourteen years;
- (l) "Infectious disease" includes any disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;
- (m) "Maternity home" means any premises in the borough used or represented as being or intended to be used (whether regularly or on any occasion) for the reception of a woman or women for the purposes of childbirth where any payment or reward is made or given by or on behalf of any woman received therein in respect of such reception but does not include any house flat or other self-contained premises not regularly so used taken and held by or for any woman for the purpose of accommodating her during her confinement;

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- (n) "Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction;
- (o) "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;
- (p) "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;
- (q) "Telegraphic line" has the same meaning as in the Telegraph Act 1878;
- (r) "The Lands Clauses Acts" means the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919;
- (s) "The Act of 1896" "the Act of 1900" "the Act of 1904" "the Act of 1911" "the Act of 1915" and "the Act of 1921" mean respectively the Rotherham Corporation Act 1896 the Rotherham Corporation Act 1900 the Rotherham Corporation Act 1904 the Rotherham Corporation Act 1911 the Rotherham Corporation Act 1915 and the Rotherham Corporation Act 1921.

## PART II.

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## LANDS AND WORKS.

- 5.** Subject to the provisions and for the purposes of this Act (including the provision of space for the erection of buildings adjoining or near to any street) the Corporation may enter on take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference. Power to acquire lands.
- 6.** The powers of the Corporation for the compulsory purchase of lands for the purposes of Part VI. (Water) of this Act shall cease after the expiration of three years and for the other purposes of this Act after the expiration of five years from the first day of October nineteen hundred and twenty-four. Period for compulsory purchase of lands.
- 7.** 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 enter upon property for survey and valuation.
- 8.** Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown upon the deposited plans and sections relating thereto make and maintain the street improvements in the borough hereinafter mentioned with all proper and necessary junctions connections approaches sewers drains works and conveniences in connection therewith (that is to say):—
- Work No. 1 A widening and improvement of Rawmarsh Road on its south-easterly side and of Greasborough Road on its easterly side commencing at the premises known as the Thatched House and terminating at the junction of Greasborough Road with Bridge Street:

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Work No. 2 A widening and improvement of Bridge Street on its southerly side together with a reconstruction and widening of Jail Bridge commencing in Bridge Street at its junction with Forge Lane and terminating at the easterly end of the said bridge at its junction with Bridgegate and Corporation Street:

Work No. 3 A widening and improvement of Bridgegate on its easterly side and of College Street on its northerly side commencing at No. 37 Bridgegate and terminating in College Street at its junction with Effingham Street:

Work No. 4 A widening and improvement of College Street on its southerly side commencing at its junction with Church Street and terminating at its junction with Church Steps Yard.

Limits of deviation.

9. 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.

Application of road materials excavated in construction works.

10. 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.

Land laid into streets to form part thereof.

11. 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 maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Embankment of River Don.

12. For the purpose of further embanking the River Don within the borough the Corporation may enlarge the embankment constructed by them adjoining Corporation Street by the erection of a river wall on the easterly bank of the river between the Jail Bridge and the weir adjoining the Corporation's public abattoir and for the purpose of or in connection with the erection and maintenance of such river wall may dredge the bed of the river.



**13.** For the protection of the Rotherham Forge and Rolling Mills Company Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation have effect (that is to say):—

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—  
For protection of Rotherham Forge and Rolling Mills Company Limited.

(1) If the Corporation in the exercise of the powers of the section of this Act of which the marginal note is "Embankment of River Don" erect or execute any structure or work in such a position or manner or do any other act or thing so as to—

(a) diminish the rapidity of the flow of water from the tailgoits of the company; or

(b) raise the level of the water in the said river to such a height as to prevent or injuriously affect the working by the water power of the said river of any water wheels or turbines for the time being used for the purpose of obtaining power for use at the said works; or

(c) cause the flooding of the said works;

the Corporation shall make compensation to the company for all loss damage or injury suffered by the company by reason or in consequence of such diminution flooding prevention or injurious affection:

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

**14.**—(1) The following sections of the Acts hereinafter mentioned shall so far as they are applicable for the purpose extend and apply with the necessary modifi-

Incorporation of sections as to lands and works.

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Act of 1900—

- Section 50 As to assessment of compensation;
- Section 51 Correction of errors &c. in deposited plans and book of reference;
- Section 54 Persons under disability may grant easements &c.;
- Section 57 Power to retain sell &c. lands;
- Section 58 Proceeds of sale of surplus lands.

Act of 1911—

- Section 61 Temporary stoppage of streets.

Act of 1915—

- Section 21 Owners may be required to sell parts only of certain lands and buildings;
- Section 23 Compensation in case of recently altered buildings.

Act of 1921—

- Section 7 Extinction of private rights of way;
- Section 16 Power to make subsidiary works;
- Section 17 Power to alter steps areas pipes &c.

(2) Provided that—

- (a) The said section 61 of the Act of 1911 shall apply only to the purposes of this Part of this Act;
- (b) In the application of the said section 21 of the Act of 1915 to the purposes of this Act the scheduled properties shall be the premises numbered 2 6 16 34 35 40 41 53 55 59 61 64 67 71 75 79 81 and 85 on the deposited plans;
- (c) The said section 23 of the Act of 1915 shall for the purposes of this Act have effect as if the seventeenth day of November nineteen hundred and twenty-three were therein mentioned instead of the thirtieth day of November nineteen hundred and fourteen.

## PART III.

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## TROLLEY VEHICLES AND OMNIBUSES.

**15.**—(1) The Corporation may use trolley vehicles upon the following routes:—

Power to  
use trolley  
vehicles.

Route No. 1 In the rural district of Rotherham in the west riding of Yorkshire commencing in Maltby at the termination of the Corporation's trolley vehicle route in the Bawtry and Tinsley main road proceeding in an easterly direction along that road to its junction with Upper New Riding and Lower New Riding;

Route No. 2 In the said rural district of Rotherham commencing in Maltby at the junction of the Bawtry and Tinsley main road with the Rotherham and Barnby Moor main road proceeding in a south-easterly direction along the last-named road across Wood Lee Common to a point about one hundred and fifty yards south-east of the junction of the last-named road with Gipsy Lane;

Route No. 3 In the said rural district of Rotherham commencing in Maltby at the junction of Muglet Lane with the Bawtry and Tinsley main road along Muglet Lane to its junction with the Rotherham and Barnby Moor main road;

Route No. 4 In the said rural district of Rotherham commencing at the junction of Nether Moor Lane with the Bawtry and Tinsley main road in the village of Wickersley proceeding in a southerly direction along the Nether Moor Lane Stoney Gate Field Lane Morthen Lane Woodhouse Green and Green Harbour Road to its junction with Toad Lane;

Route No. 5 From the commencement of Route No. 2 authorised by the Act of 1911 in the Rotherham and Barnby Moor main road thence proceeding in a north-westerly direction along that road Wickersley Road Broom Road Wellgate College Street and Effingham Street to its junction with Howard Street.

(2) Before equipping any trolley vehicle route for the working of trolley vehicles or before arranging for a new

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Provisions  
as to  
adaptation  
of roads  
&c.

**16.**—(1) Before the Corporation in the exercise of the powers of this Act commence to run vehicles over any road or part of a road outside the borough it shall be determined by agreement between the Corporation and the road authority or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of a service of vehicles over any such road or part of a road) to adapt alter or reconstruct such road or part of a road and if so what sum of money (if any) per mile of road so to be adapted altered or reconstructed shall be payable by the Corporation to the road authority by way of contribution towards the costs incurred in such adaptation alteration or reconstruction.

(2) Within six months after the date upon which all questions to be agreed or determined in pursuance of subsection (1) of this section have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether they intend to run vehicles over the road or part of a road in question.

(3) If the Corporation give notice in writing to the road authority that they intend to run vehicles over the road or part of a road in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of subsection (1) of this section the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(4) Notwithstanding anything in this section the Corporation shall not be required to pay any sum in

respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road which is not executed within three years from the date on which the Corporation shall commence to run vehicles over the road or part of a road to be adapted altered or reconstructed.

(5) Except as provided by subsection (3) of this section not more than one payment or (in the case of a payment by instalments) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed.

(6) Any payment made to a road authority under this section in respect of any main road retained by them under subsection (2) of section 11 of the Local Government Act 1888 or maintained by them under subsection (4) of that section shall be credited to the county council in ascertaining the amount payable by them under either of the said subsections of the said section 11.

(7) If any such adaptation alteration or reconstruction as aforesaid shall 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 and the road authority shall be deemed to be "undertakers" within the meaning of the said Act. Provided that any expenditure incurred by the road authority in connection with any such alteration shall be deemed part of the cost of adaptation alteration or reconstruction of the road.

(8) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any main road over which any vehicle is run under the powers of this Act.

(9) No such agreement as is referred to in this section shall as respects any main road maintained by a local authority at the expense of any county council be made except with the concurrence of that county council.

(10) In this section the expression "vehicles" means trolley vehicles or motor omnibuses as the case may require.

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Application  
of Tram-  
ways Act  
1870 to  
trolley  
vehicles.

**17.**—(1) The following provisions of the Tramways Act 1870 shall so far as the same are applicable be incorporated with this Act and apply to the trolley vehicles of the Corporation 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:—

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 50 Penalties for wilful injury or obstruction to tramways &c.

Section 51 Penalty on passengers practising frauds on the promoters;

Section 53 Penalty for bringing dangerous goods on the tramway;

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 existing  
provisions  
to trolley  
vehicles.

**18.**—(1) The provisions contained in the following sections of the Act of 1900 the Act of 1904 and the Act of 1911 shall so far as applicable apply with reference to the trolley vehicles and the apparatus and equipment for

working the same and in construing those provisions in their application to this Part of this Act unless the context otherwise requires the expression "the tramways" or "the Corporation tramways" shall be deemed to mean the trolley vehicles and the apparatus and equipment for working the same.

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The sections hereinbefore referred to are—

Act of 1900—

- Section 7 Inspection by Board of Trade;
- Section 26 As to fares on Sundays or holidays;
- Section 27 Cheap fares for labouring classes;
- Section 30 Amendment of Tramways Act 1870 as to byelaws by local authority;
- Section 31 Motive power;
- Section 34 Special provisions as to use of electrical power;
- Section 35 For protection of Postmaster-General;
- Section 37 Byelaws;
- Section 38 Power to work tramways;
- Section 39 Regulations;
- Section 40 Power to acquire patent rights; and
- Section 70 Application of revenue of tramway undertaking.

Act of 1904—

- Section 31 For protection of Postmaster-General; and
- Section 33 Attachment of brackets &c. to buildings.

Act of 1911—

- Section 12 As to electrical works;
- Section 15 Shelters or waiting rooms;
- Section 16 Use of tramway posts by Postmaster-General;
- Section 17 Apparatus used for mechanical power to be deemed part of tramways;
- Section 19 Penalty for malicious damage;

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- Section 24 Consents of local or road authority;
- Section 27 Trolley vehicles not to be deemed light locomotives or motor cars;
- Section 28 Duties on licences for trolley vehicles;
- Section 29 Approval of vehicles by Board of Trade (as amended by section 24 of the Act of 1921);
- Section 31 Corporation not to carry animals and goods;
- Section 32 Tolls and fares;
- Section 35 Trolley vehicles to be part of tramway undertaking for all purposes;
- Section 36 Corporation to have exclusive right of using apparatus for working trolley vehicles;
- Section 37 Conveyance of mails;
- Subsection (1) of section 38 Accounts; and
- Section 41 For protection of west riding County Council (except subsections (1) (4) and (6)).

(2) Subsection (2) of section 38 of the Act of 1911 is hereby repealed.

Minister of Transport may authorise trolley vehicle routes.

**19.**—(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 (other than the roads along which they are authorised to use trolley vehicles under the Act of 1911 or the foregoing provisions of this Act) 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 Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act.

(2) No application under this section 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 and November



or one of them in some newspaper or newspapers circulating in the borough or the district to which the application relates 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 and November or one of them 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 Order applied for be made either with or without addition or modification or subject or not to any restriction or condition.

(5) No Order authorising the use of trolley vehicles on any road in a borough or district outside the borough shall be made without the consent of the local authority of such borough or district and the road authority having jurisdiction over such road 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.

(6) 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

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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.

(7) 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.

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

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

(10) 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.

(11) Section 33 of the Act of 1911 is hereby repealed.

Rails of  
tramway to  
be removed  
in certain  
cases.

**20.**—(1) 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.

(2) 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.

**21.**—(1) If at any time after the opening of any trolley vehicle route in any district for traffic the Corporation discontinue the working of such route or any part thereof for the space of three months (such discontinuance not being occasioned by circumstances beyond the control of the Corporation) and such discontinuance is proved to the satisfaction of the Minister of Transport the said Minister if he thinks fit may by order declare that the powers of the Corporation in respect of such trolley vehicle route or the part thereof so discontinued shall from the date of such order be at an end and thereupon the said powers shall cease and determine.

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Trolley  
vehicles to  
be removed  
in certain  
cases.

(2) Where any such order has been made the road authority of the district may at any time after the expiration of two months from the date of such order under the authority of a certificate to that effect by the Minister of Transport remove the works constructed in such route or the part thereof so discontinued for moving trolley vehicles by electrical power and the Corporation shall pay to the road authority the cost of such removal and of the making good of the road by the road authority occasioned by such removal.

**22.**—(1) In addition to their existing powers the Corporation may run omnibuses along the following routes :—

Further  
powers for  
running  
omnibuses.

- (a) Along the Bawtry and Tinsley main road from its junction with Nether Moor Lane in Wickersley to its junction with Upper New Riding and Lower New Riding;
- (b) Along the Rotherham and Barnby Moor main road from its junction with the Bawtry and Tinsley main road in Maltby to a point about one hundred and fifty yards south-east of its junction with Gipsy Lane;
- (c) Along Muglet Lane from its junction with the Bawtry and Tinsley main road in Maltby to its junction with the Rotherham and Barnby Moor main road.

(2) The provisions of section 23 (Power to provide and run motor omnibuses) of the Act of 1911 except the provisos to subsection (1) shall so far as they are applicable extend and apply to the purposes of this Act.

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Omnibus  
fares and  
charges.

**23.**—(1) Subject to the provisions of this section and notwithstanding anything contained in the Act of 1911 the Corporation may demand and take for passengers and parcels carried on their 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.

(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 their 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.

(4) The fares and charges for the time being authorised under the provisions of this Act shall be paid to such person and in such manner as the Corporation may by notice annexed to the list of fares and charges appoint.

24.—(1) The following sections of the Act of 1921 shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say):—

Section 28 As to cesser of powers;

Section 29 Provision in event of certain powers not being exercised within prescribed limits;

Section 31 Application of sections 51 and 56 of Tramways Act 1870 :

Provided that in the application of those sections they shall be read as if this Act were referred to therein instead of the Act of 1921.

(2) Trolley vehicles and omnibuses provided or used under the powers of this Act shall be deemed to be cars within the meaning of the Act of 1921.

25.—(1) The provisions of section 40 of the Act of 1911 shall apply for the protection of the London and North Eastern Railway Company the London Midland and Scottish Railway Company the Great Central Hull and Barnsley and Midland Committee and the South Yorkshire Joint Line Committee in relation to the exercise of the powers of this Part of this Act and of any route which may hereafter be authorised under the powers of the section of this Act whereof the marginal note is “ Minister of Transport may authorise trolley vehicle routes.”

(2) The Corporation shall not under the powers of this Act affix any brackets wires or apparatus to any building used by or belonging to or which may hereafter be used by or belong to any railway company or railway committee nor shall they erect or maintain any shelter or waiting room so as to interfere with or render less convenient the access to or exit from any station or depôt of any railway company or railway committee.

(3) Nothing contained in this Act shall impose on or enlarge any obligation upon any railway or canal company or railway committee to maintain strengthen adapt alter or reconstruct any bridge with the immediate approaches and all other necessary works connected therewith maintainable by them.

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—  
Application  
of pro-  
visions of  
Act of 1921.

For pro-  
tection of  
railway  
companies.

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Accounts to  
be furnished  
to Minister  
of Trans-  
port.

**26.** 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 tramway undertaking.

## PART IV.

## GAS.

Further  
powers to  
enter  
premises  
and to  
remove  
fittings.

**27.**—(1) 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.

(2) Any person having control of the premises which the Corporation are authorised by the Gasworks Clauses Act 1871 or this Act to enter who does not permit such entry shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Where any premises which the Corporation are entitled to enter in pursuance of the said section 22 or this section 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.

Provision  
of valve  
where high  
pressure  
air is used.

**28.**—(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 or other appliance approved by the Corporation 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 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. A.D. 1924.

(2) It shall not be lawful for any person at any time after the passing 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 publication of the notice referred to in 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 after due notice 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 public notice of the effect of the foregoing provisions of this section in two or more newspapers circulating in the borough.

(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.

(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.

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## PART V.

## ELECTRICITY.

As to  
maximum  
power  
which  
may be  
demanded.

**29.**—(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 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 passing of this Act of any right to which he would be entitled but for the said provisions.

Entry upon  
premises  
Penalty for  
obstruction.

**30.**—(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 of that section as extended by section 16 of the Electric Lighting Act 1909 or from exercising the powers contained in those sections shall be liable to a penalty not exceeding five pounds.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said sections or either of them 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 if he cannot be ascertained by them after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

(3) Section 27 of the Act of 1915 is hereby repealed.

Notice to  
discontinue  
supply of  
electricity.

**31.**—(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. A.D. 1924.

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

## PART VI.

### WATER.

**32.**—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections the following work (that is to say):—

Power to  
make  
waterworks.

A service reservoir to be situate upon lands in the borough lying to the south of Wortley Road and adjoining the existing service reservoir of the Corporation being the lands numbered 416 417 and 418 on the  $\frac{1}{2500}$  Ordnance map and parts of the lands numbered 380 419 436 and 439 on that map.

(2) The Corporation may upon the said lands make and maintain all such works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks authorised by this Act or for inspecting maintaining repairing cleansing managing working or using the same Provided that nothing in this subsection 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.

**33.** In the construction of the work 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 Provided that no embankment of the reservoir shall be constructed at any greater height above the general surface of the ground than that shown upon the deposited sections and three feet in addition thereto.

Limits of  
deviation.

**34.** If the work authorised by this Part of this Act and delineated on the deposited plans and sections is not completed within a period of five years from the

Period for  
completion  
of work.

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passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Provided that the Corporation may extend enlarge alter reconstruct renew or remove the said work.

Amend-  
ment of  
section 35  
of Water-  
works  
Clauses  
Act 1847.

**35.** The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-sixth part of such expense and as if the period of three years mentioned in that section were five years.

Rates for  
use of hose  
pipes.

**36.** 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 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.

Rates  
payable by  
owners of  
small  
houses.

**37.**—(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.

(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.

Dates for  
payment of  
water rates.

**38.** 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 : A.D. 1924.

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

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

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

(b) Any workhouse hospital asylum or sanatorium ;  
or

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

(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.

(3) The price to be charged for a supply of water under this section shall not exceed one shilling and ninepence per thousand gallons.

**40.** 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 Corporation's water engineer.

**41.**—(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

Supply to houses partly used for trade &c.

Maintenance of common pipe.

Power to Corporation to repair communication pipes.

A.D. 1924. — 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.

Notice to Corporation of connecting or disconnecting meters.

**42.** 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.

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

**43.**—(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 pipes and mains of the Corporation and stopcocks in the pipes supplying premises 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.

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(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 or railway committee without the consent of that company or committee or unreasonably interfere with or render less convenient the access to or exit from any station or depôt of a railway company or railway committee.

44.—(1) 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.

Notice of  
discontinu-  
ance.

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

45.—(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.

Injuring  
meters &c.

(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

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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.

Penalty  
for closing  
valves and  
apparatus.

46. 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.

## PART VII.

## MARKETS.

Erection of  
offices  
shops &c.

47. The Corporation may erect or provide offices shops stores warehouses and other tenements or buildings for the purposes of or in connection with any of their markets.

Power to  
lease stalls  
shops &c.  
in markets.

48. 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 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 their markets

undertaking to any person for any term not exceeding twenty-one years. A.D. 1924.

**49.** 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 belonging to the Corporation or under their control 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 take possession of stalls for non-payment of charges.

### PART VIII.

#### STREETS AND BUILDINGS.

**50.**—(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 sixty 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.

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Corporation  
may fix  
line of  
existing  
streets.

**51.**—(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.

(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.

(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.

(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.

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(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.

(8) Section 55 of the Act of 1904 is hereby repealed and any line of frontage which has been prescribed and defined under that section shall be deemed to have been prescribed and defined under this section.

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

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

(2) If the placing or erection of such hoarding or fence would constitute a danger to the traffic in the streets of the borough upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or

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modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding forty shillings and the Corporation may remove the hoarding or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

(5) (a) Any person deeming himself aggrieved by any requirement or prohibition or by the withholding of any approval of or by the Corporation under this section may within fourteen days from the date of such requirement prohibition or refusal of approval 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.

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

As to  
hoardings  
and similar  
structures.

**53.**—(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 any local 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. A.D. 1924.

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing 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.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the date of the passing 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.

54. 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 forthwith to 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.

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As to  
erection of  
retaining  
walls.

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

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

Naming of  
streets.

**56.**—(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.

(2) The Corporation may by order alter the name of any street or any part of a street but one month before making any such order they shall give notice to the ratepayers in the street and they shall consider any objections that may be made by such ratepayers within one month after the giving of the notice.

(3) The Corporation may cause the name of any street or of any part of any street to be painted or otherwise marked on a conspicuous part of any building or other erection.

(4) Any person who shall offend against this section or who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such name shall be liable to a penalty not exceeding forty shillings.

(5) Any person deeming himself aggrieved by any objection of the Corporation under subsection (1) or by an order of the Corporation under subsection (2) of

this section may appeal to a court of summary jurisdiction within seven days of the receipt by him of the objection or within seven days of the making of the order (as the case may be) 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.

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**57.**—(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 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—

Power to  
license  
bridges over  
streets.

- (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 removal or alteration of any such bridge involving the

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alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of over-ground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 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.

Restriction  
on placing  
rails beams  
&c. across  
streets.

**58.**—(1) It shall not be lawful for any person to fix or place any overhead rail beam pipe cable wire or other similar apparatus 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.

(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;
- (c) Any apparatus lawfully fixed and placed for telegraphic telephonic wireless telegraphic and telephonic or railway signalling purposes or for railway working by electricity.

**59.** 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 or having erected to maintain 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.

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Erection of bridges.

**60.**—(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.

Restriction as to use of dustbins.

(2) Any person contravening the provisions of this section shall be liable to a penalty not exceeding ten shillings.

**61.** Where in the opinion of the Corporation repairs are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and the execution thereof shall not prejudice or affect the operation in regard to such street at any subsequent date of section 150 of the Public Health Act 1875 of the Private Street Works Act 1892 or of section 19 (As to urgent repairs of private streets) of the Public Health Acts Amendment Act 1907.

As to urgent repairs of private streets.

**62.** 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 public street shall keep such drain or channel and all gullies traps grates and appurtenances thereto belonging in good repair and any person who after reasonable notice in

Surface water channels to be kept in good repair.

A.D. 1924. — 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.

Food  
storage  
accommo-  
dation to be  
provided.

**63.**—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated pantry or other 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 the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with a sufficient and properly ventilated pantry or other 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 gives twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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

(d) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.



**64.** Nothing in this Part of this Act except the sections whereof the marginal notes are—

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

As to hoardings and similar structures;

As to repair of hoardings;

Power to license bridges over streets;

Restriction on placing rails beams &c. across streets;

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 or railway committee 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 or committee and used for the purposes (other than for a dwelling-house) of the undertaking of such company or committee with the authority of Parliament.

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—  
Saving for  
railway  
companies.

## PART IX.

### INFECTIOUS DISEASE AND SANITARY MATTERS.

**65.**—(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 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.

Information  
to be  
furnished  
as to  
infectious  
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 and the expression "infectious disease" shall include pulmonary tuberculosis.

**66.**—(1) Any person being the parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occur-

Parents to  
notify  
infectious  
disease.

A.D. 1924. —  
rence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) In this section—

the expression “infectious disease” includes pulmonary tuberculosis measles German measles scabies ringworm whooping cough and chicken pox;

the expression “school” includes a Sunday school namely any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday.

For prevent-  
ing contact  
with body of  
person dying  
of infectious  
disease.

**67.** 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.

Byelaws as  
to food.

**68.**—(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.

(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.

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(4) 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 a byelaw made under 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.

**69.** 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.

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

**70.**—(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 person and clothing of such child within twenty-four hours after the receipt of such notice.

Cleansing of children and their clothing.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and clothing of such child to be properly cleansed in suitable premises

A.D. 1924. — 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 registered medical practitioner or by a female person being a member of the staff of the medical officer.

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

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

(6) For the purposes of this section the expression "medical officer" includes the medical officer appointed by the Corporation under the Education Act 1921 or under any Act repealed by that Act.

Power to  
prohibit  
tents vans  
&c.

**71.**—(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. A.D. 1924.

(3) This section shall not apply to any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder (not being a pedlar or hawker).

**72.**—(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. Discontinu-  
ance of  
offensive  
trades.

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 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 :

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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 premises for the carrying on of an offensive trade shall cease before the expiration of such period.

Defining the establishment of a new business.

**73.**—(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.

As to infected stables and other places.

**74.**—(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

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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.

**75.**—(1) Public notice of the effect of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

Public notice to be given of provisions of this Part of this Act.

(2) The production of copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

## PART X.

### MATERNITY HOMES.

**76.**—(1) On and after the first day of January nineteen hundred and twenty-five (which date is in this Part of this Act referred to as "the prescribed date") it shall not be lawful for any person to carry on a maternity home unless the name of such person and the premises used or represented as being or intended to be used for the purpose of such home are registered with the Corporation.

Registration of maternity homes.

(2) Any person requiring registration in respect of any such home shall make application in writing to the Corporation and shall in such application state—

- (a) his full name;
- (b) his age nationality and technical qualifications (if any);
- (c) his private address or in the case of an application by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or

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body and so far as may reasonably be required the names and private addresses of the persons directly or indirectly responsible for the management of such company society association or body;

- (d) the name under which and the address at which such home is carried on or proposed to be carried on; and
- (e) such further information (if any) as the Corporation may reasonably require with respect to the person or premises to be registered or the number of patients to be accommodated at any one time and the equipment in such premises;

and when making such application shall pay to the Corporation such fee as they may fix not exceeding five shillings.

(3) Every person carrying on any such home at the date of the passing of this Act and requiring registration in respect thereof shall make application for such registration within one month after the date or (if more than one) the latest date of publication of the advertisements with regard to this Part of this Act referred to in the section of this Act whereof the marginal note is "Notice of provisions to be given."

(4) Subject as in this section provided the Corporation shall as soon as reasonably practicable after the receipt of an application under the provisions of this section (and not later in the case of an application under subsection (3) of this section than the prescribed date) register the name of the applicant and the premises specified in his application.

(5) The Corporation by order to be served on the person carrying on or proposing to carry on any such home may refuse to register the name of such person or the premises used or represented as being or intended to be used for the purposes of such home or may cancel the registration of such person or premises on the ground that—

- (a) such person is under the age of twenty-one years; or



- (b) such person is unsuitable to carry on such home; or
- (c) the premises or their equipment are or is unsuitable for the purposes of a maternity home; or
- (d) the premises are used or intended to be used for the accommodation at any one time of an excessive number of patients; or
- (e) the premises or any other premises used for any purpose in connection with such first-mentioned premises or with any business or occupation carried on therein are being used for any immoral purpose.

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(6) Before making any such order the Corporation shall give to the person proposed to be served therewith not less than seven days' previous notice in writing stating their intention to make the order and the grounds on which the order is proposed to be made and on written application made to them by such person within seven days after the giving of such notice they shall afford to such person an opportunity of being heard against the order.

(7) Any such order cancelling any registration shall take effect at the time specified in the order not being less than fourteen days after the service thereof but in the event of an appeal against any such order the order shall not come into operation unless and until it has been confirmed on appeal or the appeal has been abandoned.

(8) Any person aggrieved by any such order may appeal to a court of summary jurisdiction provided that such appeal is made within fourteen days after the order has been served upon him.

The court after considering any representations made on behalf of the Corporation may if it thinks fit confirm such order or direct the Corporation to withdraw such order and as soon as reasonably practicable the Corporation shall give effect to such direction.

**77.**—(1) The Corporation may make byelaws prescribing the records to be kept with respect to the patients received the children born and the business carried on at a maternity home and requiring the notification to

Byelaws as  
to homes.

A.D. 1924. the Corporation of any death occurring thereat the cause of death and whether an inquest was held.

(2) Every person carrying on a maternity home shall keep exhibited in a suitable place (to be approved by the Corporation) in such home a copy of the byelaws in force under this Part of this Act.

Powers as to entry and inspection.

**78.** Any officer duly authorised by the Corporation in that behalf may subject to such regulations (if any) as may be made by the Corporation at all reasonable times enter and inspect any premises which are used or which such officer has reasonable cause to believe are used for the purposes of a maternity home and the entries in any records required to be kept in connection therewith.

Penalties for offences in respect of maternity homes.

**79.** Subject to the provisions of this Part of this Act—

(1) Every person who carries on a maternity home in contravention of the provisions of this Part of this Act shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of a second or subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any period of imprisonment not exceeding three months;

(2) Every person who—

(a) refuses to permit any officer of the Corporation to enter or inspect any premises which such officer is authorised under the provisions of this Part of this Act to enter and inspect or the records to be kept pursuant to any byelaw made under the said provisions or obstructs any such officer in the execution of his duty under such provisions or under the provisions of any such byelaw as aforesaid; or

(b) carries on a maternity home in contravention of the provisions of any such byelaw; or

(c) issues publishes or displays or causes to be issued published or displayed any advertisement relating to a maternity home which is not registered in accordance with the

provisions of this Part of this Act after the expiration of a period of seven days after the Corporation have given him written notice that the registration of such home has been refused or cancelled under the provisions of this Part of this Act—

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shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds;

- (3) The court may in addition to imposing a penalty under this section order the cancellation of the registration :

Provided that a person who has appealed to a court of summary jurisdiction in accordance with the provisions of this Part of this Act against an order made by the Corporation thereunder cancelling registration shall not until such order has been confirmed on appeal or has been abandoned be liable to any proceedings under this section for the offence of carrying on a maternity home in contravention of the provisions of this Part of this Act or of any byelaw made thereunder.

**80.** Where any company registered under the Companies Acts 1862 to 1907 or under the Companies Acts 1908 to 1917 or any Act amending the same commits any offence for which a penalty is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers of such company as well as or instead of against the company and each such director or manager shall be liable on conviction to the like penalty as if he were the person committing the offence unless he proves to the satisfaction of the court—

Directors of companies to be personally liable for penalties.

- (1) that the act which constituted the offence took place without his knowledge consent or connivance; and
- (2) that he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

**81.**—(1) Subject as hereinafter provided the provisions of this Part of this Act shall not apply in the case of a maternity home carried on by a duly registered medical practitioner with respect to which there has been lodged with the Corporation a certificate in a form

Saving for homes carried on by medical practitioners.

A.D. 1924. — to be approved by them and signed by two duly registered medical practitioners practising or residing in the borough not being in partnership with such first-mentioned medical practitioner or with each other and not having any financial or other interest in such home to the effect that the premises used or represented as being or intended to be used for such home and the equipment provided at such premises are in all respects suitable for the purpose and that the medical practitioner carrying on or proposing to carry on such home is a suitable person to carry on the same.

(2) Provided that any such certificate shall not be valid—

(a) with respect to any person or premises other than the person or premises specified therein;  
or

(b) for a period extending beyond the thirty-first day of January next following the date of the certificate.

Saving  
for certain  
premises.

**82.**—(1) Notwithstanding anything contained in this Part of this Act the foregoing provisions thereof shall not apply in the case of—

(a) any hospital infirmary institution or other establishment maintained or controlled by any Government department or local authority or any other authority or body constituted by Parliament or incorporated by Royal Charter;  
or

(b) any hospital for the time being recognised by any committee or body administering either of the publicly subscribed funds known respectively as the Hospital Sunday Fund and the Hospital Saturday Fund as a hospital to which grants from either of such funds may be made;  
or

(c) any institution or home for the training of persons desirous of becoming midwives which is for the time being approved by the Central Midwives Board constituted under the Midwives Acts 1902 and 1918; or

(d) any maternity home in which only relatives of the person carrying on such home are received for the purposes of childbirth.

(2) For the purposes of this section the expression "relatives" means sisters daughters grand-daughters nieces aunts or mothers by consanguinity or affinity and in the case of persons of illegitimate birth persons who would be so related if legitimate.

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**83.**—(1) The Corporation shall give public notice of the effect of the provisions of this Part of this Act by advertisement in at least one newspaper published or circulating in the borough.

Notice of  
provisions  
to be given

(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.

## PART XI.

## POLICE.

**84.**—(1) The Corporation may from time to time make regulations prescribing within the central area—

Regulations  
for con-  
trolling  
traffic.

- (a) the routes to be taken by all vehicles or by any particular class or description of vehicle either generally or during particular hours and that in certain streets within that area vehicular traffic shall pass in one direction only;
- (b) the stands to be occupied exclusively by omnibuses of any particular class or description or used on any particular route or running according to a published time-table;
- (c) the time during which any omnibus shall be allowed to remain at any one stand; and
- (d) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers.

Provided that no regulation made under paragraph (a) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the borough whilst so engaged.

(2) No regulation made under this section shall come into operation except with the approval of the Minister of Transport and the said Minister may approve the same with or without modifications or may disallow

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the same Provided that before considering any regulation the said Minister may and if any objection is duly made and is not withdrawn shall direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the said Minister for the services of such person.

(3) Regulations made under this section shall not be confirmed by the Minister of Transport if in his opinion such regulations discriminate unduly in favour of tramways omnibuses or trolley vehicle services belonging to the Corporation.

(4) Such regulations shall take effect as approved by the Minister of Transport and shall come into force on a date to be fixed by him.

(5) The Corporation shall cause to be given at least fourteen days' notice of the intention to hold such local inquiry together with particulars of any proposed regulations by advertisement in a newspaper published or circulating in the borough and in the London Gazette.

(6) The Minister of Transport in considering any regulation under this section shall have all proper regard to the necessities of through locomotive traffic and of persons who own or use locomotives and shall consider any representations made to him.

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

(8) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper published or circulating in the borough and otherwise in such manner as may be prescribed by the Minister of Transport.

(9) A copy of any regulations approved under this section purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly approved shall be evidence until the contrary is proved in all legal proceedings of the due making approval and

existence of such regulations without further or other proof. A.D. 1924.

(10) For the purposes of this section the central area means the portion of the borough comprised within a radius of a quarter of a mile from the parish church of All Saints.

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

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

**86.** Every person who shall on Sundays in any street or public place call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty for crying newspapers.

## PART XII.

### SUPERANNUATION.

**87.** Part VIII. (Superannuation) of the Act of 1921 shall be amended as follows:— Amendment of provisions of Act of 1921 as to superannuation.

(1) Section 71—

(a) in subsection (3) by the insertion after “Corporation” of the words “in a permanent capacity”;

(b) at the end of the section by the addition of the following subsection—

“(6) ‘Salary or wages’ shall be deemed to be the normal rate of remuneration

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—

including the value of any fixed emoluments but excluding overtime payments or casual fees.”

(2) Section 72 by the addition of the following subsection at the end of the section—

“ (4) If the Corporation shall by special resolution extend the period of service of an officer or servant beyond the date upon which he attains the age of 65 years they may by the resolution provide that the extended period shall be reckoned for the purposes of superannuation but in the absence of such provision—

“ (a) no contributions shall be made to the superannuation fund either by the officer or servant or by the Corporation in respect of the extended period;

“ (b) such period shall not be regarded as part of the service of the officer or servant for the purpose of determining the amount of his superannuation allowance;

“ (c) The average amount of the salary or wages of the officer or servant for the purpose of determining the amount of his superannuation allowance shall be—

(i) the average amount of his salary or wages during the five years ending on the date on which he attains the age of sixty-five years; or

(ii) the average amount of his salary or wages during the whole period of his service ending on that day

whichever amount shall be the greater.”

(3) Section 73—

(a) in subsection (1) by the insertion after “ Corporation ” of “ or the date of his attaining twenty years of age ” and by the omission of the word “ annually ”;



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(b) by the addition at the end of subsection (2) of the words " as and when such salary or wages is or are payable fractions of one penny being reckoned as one penny " ;

(c) by the addition at the end of the section of the following subsection—

" (3) In calculating the pensionable service of any officer or servant for the purposes of this Part of this Act periods of absence from work owing to sickness or other causes during which no salary or wages is or are payable shall not be included unless such officer or servant pays to the fund the appropriate contribution calculated on the normal rate of salary or wages of such officer or servant in respect of such periods of absence and such contributions shall be made in such manner and at such times as the Corporation may direct."

(4) By the substitution of the following provisions for section 76 (As to officers over fifty-five)—

" (1) The provisions of this Part of this Act shall not apply to any officer or servant who at the appointed day shall have reached the age of fifty-five years unless the Corporation by resolution of the council shall determine to apply those provisions to him.

" (2) Any superannuation allowance payable to any such officer or servant shall in lieu of being wholly paid out of the superannuation fund be paid first out of the superannuation fund to the extent of the contributions made to such fund in respect of such officer or servant together with compound interest thereon at the rate of three pounds per centum per annum calculated by half-yearly rests and thereafter such allowance shall be paid out of the fund rate revenue or account out of which his salary or wages shall have been paid immediately before his retirement or ceasing to hold office.

" (3) The contributions in respect of any such officer or servant shall be carried to a

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special account in the superannuation fund to be called the special pensions account and within such account the accumulated amount in respect of each such officer shall be separately stated."

## (5) Subsection (1) of section 78—

(a) by the omission of the words "in respect of at least ten years' service" in paragraph (c);

(b) by the substitution of the following paragraph for paragraph (d):—

"(d) is dismissed or in any way (other than one of the ways specified in paragraphs (a) (b) and (c) of this subsection) ceases to hold his office or employment";

(c) by the insertion after "contributions" of the words "(except any payment made in respect of interest on unpaid instalments under subsection (3) of section 75 of this Act)."

(d) by the substitution of "with compound interest thereon at the rate of three per centum per annum calculated by half-yearly rests" for "with simple interest thereon at the rate of four per centum per annum."

## (6) Section 80—

By the insertion of "or wages" after "salaries" in paragraph (b) of subsection (1).

## (7) Section 82—

By the substitution of "five years" for "three years" in the two places where those words occur.

Allowances  
not assign-  
able.

**88.** Every superannuation allowance or gratuity granted under Part VIII. of the Act of 1921 as amended by this Act shall be payable to or in trust for the officer or servant and shall not be assignable or chargeable with his debts or other liabilities.

Application  
and invest-  
ment of  
super-  
annuation  
fund.

**89.—**(1) The Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of the superannuation fund established by the Corporation under Part VIII. of the Act of 1921 (in this Part of this Act called "the superannuation fund") and not for the time being required

for payments to be made under the Act of 1921 as amended by this Act subject to the following conditions :— A.D. 1924.

- (a) The moneys so used shall be repaid to the superannuation fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable;
- (b) Interest shall be paid to the superannuation fund on any moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and equal as nearly as may be to the rate of interest which would be payable by a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power; and
- (c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

(2) The surplus of the annual income of the superannuation fund above the expenditure thereout shall from time to time be invested in statutory securities or be used in the manner hereinbefore provided and the income arising from time to time from such investment or use shall be paid into that fund.

(3) Section 83 (Investment of superannuation fund) of the Act of 1921 is hereby repealed.

**90.**—(1) The provisions of sections 56 to 61 of the Friendly Societies Act 1896 shall so far as they are applicable and with any necessary modifications extend and apply to the superannuation fund and to the contributors thereto and to the Corporation as if the superannuation fund were the funds of a registered society and the contributors to that fund were members of a registered society and the Corporation were the society and the trustees within the meaning of that Act. Certain provisions of Friendly Societies Act 1896 made applicable.

A.D. 1924.

(2) Section 87 (Superannuation fund to be registered under Friendly Societies Act 1896) of the Act of 1921 is hereby repealed.

Existing  
officers.

**91.**—(1) Any officer or servant in the service or employment of the Corporation at the date of the passing of the Act of 1921 who in accordance with section 85 of that Act signified that he did not desire to avail himself of the provisions of Part VIII. of that Act may at any time before the first day of October nineteen hundred and twenty-four give notice in writing to the Corporation that he desires to avail himself of the provisions of that Part as amended by this Act and the provisions of that Part as so amended shall on and after the said first day of October apply to every officer and servant who gives notice in pursuance of this section and in the application thereof the service of such officer or servant during the period from the first day of April nineteen hundred and twenty-one to the first day of October nineteen hundred and twenty-four shall be deemed to be prior service.

(2) A notice under this section shall be deemed to be sufficiently served if delivered to the town clerk or left at his office with some person employed there or sent by post to the town clerk in a registered letter.

Application  
of Local  
Government  
and other  
Officers'  
Super-  
annuation  
Act 1922.

**92.** Notwithstanding anything contained in this Part of this Act the Corporation may if they think fit adopt the Local Government and other Officers' Superannuation Act 1922 and in such case a superannuation fund or scheme under the provisions of such last mentioned Act may be substituted in accordance with section 24 thereof for the scheme contained in the Act of 1921 as amended by this Part of this Act and such substituted scheme may accordingly vary or repeal the provisions of Part VIII. of the Act of 1921 and of this Part of this Act.

## PART XIII.

## FINANCE AND RATING.

Power to  
borrow.

**93.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes

mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the fourth column thereof (namely) :—

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1	2	3	4
Purpose.	Amount.	Charge.	Period for repayment from the date or dates of borrowing.
(a) The purchase of lands for the purposes of this Act.	£ The sum requisite	The borough fund and the consolidated rate.	Sixty years.
(b) The reconstruction and widening of the Jail Bridge and the embankment of the River Don authorised by this Act.	50,000	The borough fund and the consolidated rate.	Fifty years.
(c) The construction of the street improvements authorised by this Act other than the reconstruction and widening of the Jail Bridge.	14,900	The borough fund and the consolidated rate.	Thirty years.
(d) The provision of trolley vehicles authorised by this Act.	4,800	The revenue of the Corporation's tramway undertaking the borough fund and the consolidated rate.	Ten years.
(e) The equipment of the said trolley vehicles.	11,350	The revenue of the Corporation's tramway undertaking the borough fund and the consolidated rate.	Twenty years.

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1	2	3	4
Purpose.	Amount.	Charge.	Period for repayment from the date or dates of borrowing.
(f) The provision of omnibuses.	£ 6,000	The revenue of the Corporation's tramway undertaking the borough fund and the consolidated rate.	Eight years.
(g) The construction of the waterworks authorised by this Act	20,800	The revenue of the Corporation's water undertaking and the consolidated rate.	Thirty years.
(h) The payment of the costs charges and expenses of this Act.	The sum requisite	The revenue of the Corporation's tramway undertaking the borough fund and the consolidated rate.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for the purposes of Part III. (Trolley vehicles and omnibuses) of this Act and 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 the purposes of that Part.

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

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

(3) The provisions of this section prescribing the revenues funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 175 (Power to use one form of mortgage for all purposes) of the Act of 1904.

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94. The following sections of the Acts hereinafter mentioned shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say):—

Incorporation of financial provisions.

## Act of 1896—

Section 30 Mode of repayment of moneys borrowed;

Section 32 Protection of lender from inquiry;

Section 34 Corporation not to regard trusts;

Section 35 Power to borrow under Local Loans Act 1875;

Section 37 Application of moneys borrowed.

## Act of 1911—

Section 84 Certain provisions of Public Health Act as to borrowing not to apply;

Section 85 Provisions of Public Health Act as to mortgages to apply;

Section 88 Appointment of receiver;

Section 91 Expenses of execution of Act.

## Act of 1915—

Section 39 Receipt in case of persons not sui juris.

95. The Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any fund accumulated for the redemption of debt or as a reserve renewals contingent or insurance fund (in this section respectively referred to as "the lending fund") and not for the time being required for the purpose for which the moneys have been accumulated subject to the following conditions:—

Use of moneys forming part of sinking and other funds.

- (1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by

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and out of which a loan raised under the statutory borrowing power would be repayable :

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid to the fund and such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :
- (3) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

Consolidated  
loans fund.

**96.**—(1) Notwithstanding anything contained in any Act or Order on or after the thirty-first day of March nineteen hundred and twenty-five the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid as and when they are received—

- (a) All moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys temporarily borrowed without security in connection with the exercise of duly authorised borrowing powers ;
- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose ; and
- (c) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers ;

and there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except of such moneys as have been



borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund shall be established.

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(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

- (a) In the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation or
- (b) In the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation;

and any moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not be used or applied otherwise than as provided in this subsection.

(3) Save as in this section expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

(4) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

**97.**—(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.”

Appointed  
auditors.

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(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.

Subscrip-  
tions to  
local govern-  
ment asso-  
ciations and  
other  
expenses.

**98.**—(1) The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882—

(a) Reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(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.

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(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 consolidated 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.

**99.** 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 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.

Certain sections of Public Health Act 1875 to apply to consolidated rate.

**100.**—(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.

Discount on consolidated rate.

(2) Provided that the same rate of discount shall be allowed to every ratepayer in similar circumstances.

**101.**—(1) The overseers may by notice require the owner or occupier or reputed owner or occupier of any hereditament in the parish of Rotherham (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 schedule to this Act and containing the particulars therein mentioned or referred to :

Overseers may require returns.

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Provided that (except for purposes connected with the preparation of and preliminary to a general re-valuation 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 Rotherham Poor Law 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 XIV.

## MISCELLANEOUS.

Owners to  
repair and  
cleanse  
culverts.

102.—(1) The owner of any culvert made before or after the passing of this Act over any watercourse shall from time to time repair maintain and cleanse the same

and if any such owner fails to comply with the requirements of a notice given to him by the Corporation to repair maintain or cleanse his culvert within a time specified in the notice the Corporation may execute any necessary works of repair or maintenance of or may cleanse such culvert and the expenses thereby incurred as certified by the surveyor shall be repaid to them by the owner. A.D. 1924.  
—

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

**103.** The Corporation may—

(1) make charges for the use of any part of their recreation grounds set apart for golf lawn tennis or other games and of any buildings conveniences or apparatus provided in connection therewith; and

(2) permit the use by any club or other body or persons of any part of their recreation grounds set apart as aforesaid buildings conveniences or apparatus subject to such charges and conditions as the Corporation may think fit:

Charges for  
and letting  
of golf  
courses &c.

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

**104.**—(1) Section 98 (Penalty for contravention of order of court) of the Public Health Act 1875 shall in its application to the borough be read and have effect as if the sum of five pounds were referred to therein instead of each of the sums of ten shillings and twenty shillings.

Prevention  
of nuisances  
from smoke.

(2) If any fireplace or furnace employed or to be employed within the borough after the passing of this Act (not being a fireplace or furnace in any steam road wagon or traction engine or other mechanically propelled road vehicle)—

(a) In the working of engines by steam; or

(b) In any building used for the purposes of trade or manufacture; or

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(c) In baths or washhouses (although a steam engine be not used or employed therein)

shall not be so constructed as to consume or burn the smoke arising from such fireplace or furnace the owner or occupier of the premises on which such fireplace or furnace shall be situated shall be liable to a penalty not exceeding five pounds.

(3) Every person being the owner or occupier of the premises or being a foreman or other person employed by such owner or occupier who shall after the passing of this Act use any such fireplace or furnace which shall not be so constructed as aforesaid or shall so negligently use any fireplace or furnace if it has been so constructed as aforesaid that the smoke arising therefrom shall not be effectually consumed or burnt shall be liable to a penalty not exceeding ten pounds and to a further penalty of five pounds for every day after the date of the imposition of any such penalty as last aforesaid during any part of which such fireplace or furnace shall be so used and continued. Provided that in every case where one or more fireplaces or furnaces shall communicate with a single chimney the names of the several owners and occupiers of the premises on which such fireplaces or furnaces shall be situated and the several foremen or other persons having the control or management of such fireplaces or furnaces may be included in one summons and the justice may in his discretion apportion the penalty amongst such persons in such proportion as he may see fit or may impose the payment of such penalty on one or more of such persons in exclusion of the others.

(4) This section shall not apply to any locomotive steam engine used on the railway of any railway company.

Preventing  
nuisance  
caused by  
emission of  
grit from  
chimneys.

**105.**—(1) The provisions of section 91 (Definition of nuisances) of the Public Health Act 1875 shall extend to and be applicable in respect of the emission from any chimney of any grit or gritty particles as if such grit or gritty particles were smoke arising from furnaces.

(2) This section shall not apply to any locomotive steam engine used on the railway of any railway company or to any mechanically propelled road vehicle.

**106.** The provisions of the last two preceding sections of this Act shall not for a period of ten years from the passing of this Act apply to any fireplace or furnace in any manufactory which is in use at the passing of this Act and is used for manufacturing purposes or to the chimney of any such fireplace or furnace.

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—  
Postpone-  
ment of  
operation  
of certain  
provisions.

**107.**—(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 waste gas or condensing water 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.

**108.**—(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.

Dwelling-  
houses for  
persons in  
Corpora-  
tion's em-  
ployment.

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

**109.** Notwithstanding anything contained in the second schedule of the Municipal Corporations Act 1882 a summons to attend a meeting of the council shall be deemed to be duly served upon a member of the council if served by post addressed to his usual place of abode or business and need not be sent in a registered letter.

Service of  
summons on  
members of  
council.

**110.** 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 upon the premises in respect of which they were incurred

Expenses  
may be  
declared  
private  
improve-  
ment  
expenses.

A.D. 1924. in accordance with the provisions of section 257 of the Public Health Act 1875.

Power to enter premises.

**111.** The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part VIII. (Streets and buildings) Part IX. (Infectious disease and sanitary matters) Part X. (Maternity homes) and this Part of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

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

In executing works for owner Corporation liable for negligence only.

**113.** Whenever the Corporation or the surveyor under any general or local Act 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.

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

As to  
breach of  
conditions  
of consent of  
Corporation.

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

Evidence  
of appoint-  
ments  
authority  
&c.

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

Apportion-  
ment of  
expenses  
in case  
of joint  
owners.

**117.** Where the payment of more than one sum by any person is due to the Corporation under any general or local Act any summons or warrant issued for the purposes of such Acts or any of them in respect of that

Summons  
or warrant  
may con-  
tain several  
sums.

A.D. 1924.

person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Power to  
recover  
sums for  
fittings  
summarily.

**118.** Any sum payable to the Corporation in respect of the provision of gas water or electricity 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.

Informa-  
tions by  
whom to be  
laid.

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

Confirma-  
tion of  
byelaws.

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

Section 182 Authentication and alteration of bye-laws;

Section 183 Power to impose penalties on breach of byelaws;

Section 184 Confirmation of byelaws; and

Section 185 Byelaws to be printed &c.;

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act other than byelaws to which the provisions of the Tramways Act 1870 or of the Electric Lighting Act 1882 are made applicable.

As to  
appeal.

**121.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part VIII. (Streets and buildings) Part IX. (Infectious disease and sanitary provisions) or Part X. (Maternity homes) of this Act 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. A.D. 1924.

**122.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

**123.** The following sections of the Acts hereinafter mentioned shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say):— Incorporation of sections from existing Acts.

Act of 1904—

- Section 49 Power to appropriate lands;
- Section 181 Persons acting in execution of Act not to be personally liable;
- Section 183 Inquiries by Local Government Board;
- Section 184 Authentication and service of notices &c.;
- Section 186 Compensation how to be determined;
- Section 188 Recovery of penalties &c.;
- Section 190 Damages and charges to be settled by court;
- Section 193 Consent of Corporation to be in writing;
- Section 194 Saving for indictments &c.;
- Section 196 Powers of Act cumulative.

Act of 1911—

- Section 98 Recovery of demands in county courts:

Provided that for the purposes of this Act subsection (2) of the said section 183 of the Act of 1904 shall be read and have effect as if the words "five guineas" were substituted for the words "three guineas" therein.

**124.** 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 or any existing Act or Order of the Corporation the provisions of Part I. of the Board of Trade Arbitrations &c. Act Inquiries by Minister of Transport.

A.D. 1924. 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."

Crown  
rights:

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

Costs of  
Act:

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

The SCHEDULE referred to in the  
foregoing Act.

A.D. 1924.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER  
PARTICULARS TO BE RENDERED UNDER THE ROTHER-  
HAM CORPORATION ACT 1924.

<p>1. Name of the street or road &amp;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>	
<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 - - - - £ per or If ground rent only is paid state its amount - - - - £ per</p>	

A.D. 1924.

<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>
<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent</p>	
<p>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.)</p>	

DECLARATION.

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

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