



## CHAPTER lxxi.

An Act to confer further powers upon the mayor aldermen and citizens of the city of Wakefield with regard to the construction of waterworks and the consolidation of parishes and to make further provision with regard to their electricity undertaking and the health improvement and good government of the city and for other purposes.

A.D. 1924.

[1st August 1924.]

**W**HEREAS the city of Wakefield (in this Act called "the city") is under the local government of the mayor aldermen and citizens of the city (in this Act called "the Corporation"):

And whereas the Corporation are the owners of the water undertaking of the city and supply water within the city and neighbourhood and it is expedient to confer upon the Corporation the further powers with regard to their water undertaking contained in this Act and to authorise them to increase the charges for water supplied by them in bulk to the bodies named in this Act:

And whereas it is expedient to provide for the consolidation of the parishes of Wakefield Sandal Magna and Lupset within the city into one parish to be called the parish of Wakefield and to provide that the Corporation acting by the council shall be the overseers of the consolidated parish and to make all other necessary provision with regard to those matters:

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And whereas it is expedient that further provision be made with regard to the health local government and improvement of the city as by this Act provided :

And whereas it is expedient to confer upon the Corporation the further powers with regard to their electricity undertaking in this Act contained :

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

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

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

(a) For the purchase of land and easements for and in connection with the waterworks authorised by this Act and the water undertaking of the Corporation and the construction of the reservoirs and road works authorised by this Act - -	£ 634,330
(b) For the construction of the catchwaters and aqueducts authorised by this Act - - - - -	264,938
(c) For and in connection with the provision of filtration plant - -	22,000
(d) For working capital in connection with the water undertaking of the Corporation - - - - -	20,000
(e) For and in connection with the extension of mains and the general purposes of the water undertaking of the Corporation - - - -	10,000

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

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

duly deposited with the clerk of the peace for the west riding of the county of York and are in this Act respectively referred to as the deposited plans sections and book of reference :

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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 :—

## PART I.

### PRELIMINARY.

1. This Act may be cited as the *Wakefield Corporation Act 1924.* Short title.

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

Division  
of Act into  
Parts.

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Waterworks and water supply.
- Part IV.—Consolidation of parishes.
- Part V.—Streets and buildings.
- Part VI.—Sewers drains and watercourses.
- Part VII.—Infectious disease and sanitary matters.
- Part VIII.—Parks and recreation grounds.
- Part IX.—Markets and slaughter-houses.
- Part X.—Police and hackney carriages.
- Part XI.—Electricity.
- Part XII.—Financial and miscellaneous provisions.

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 superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall

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be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section :

- (2) The Waterworks Clauses Act 1847 except—
- (a) the words “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” in section 44;
  - (b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and
  - (c) section 83 (with respect to the yearly receipt and expenditure of the undertakers) :
- (3) The Waterworks Clauses Act 1863; and
- (4) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as amended by the Electricity (Supply) Acts 1909 to 1922.

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 Corporation ” means the mayor aldermen and citizens of the city of Wakefield;
- (b) “ The city ” means the city of Wakefield;
- (c) “ The council ” means the council of the city;
- (d) “ The mayor ” “ the town clerk ” “ the surveyor ” “ the medical officer ” “ the deputy medical officer ” and “ the sanitary inspector ” mean respectively the mayor the town clerk the surveyor the medical officer of health the deputy medical officer of health and any sanitary inspector of the city and respectively include any person duly authorised to discharge temporarily the duties of those offices;



- (e) "The borough fund" "the borough rate" and "the consolidated rate" mean respectively the borough fund the borough rate and the consolidated rate of the city; A.D. 1924.
- (f) "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;
- (g) "Daily penalty" means a penalty for each day on which an offence is continued by a person after conviction;
- (h) "Hackney carriage" means a hackney carriage as defined by the Town Police Clauses Act 1847 and does not include an omnibus as defined by the Town Police Clauses Act 1889;
- (i) "The Act of 1877" "the Act of 1900" "the Act of 1909" and "the Act of 1916" mean respectively the Wakefield Improvement Act 1877 the Wakefield Corporation Market Act 1900 the Wakefield Corporation Act 1909 and the Wakefield Corporation Act 1916;
- (j) "The county council" means the county council of the west riding of Yorkshire.

(3) In the construction of the provisions of the Lands Clauses Acts and of the Waterworks Clauses Acts 1847 and 1863 incorporated with this Act the expressions "the promoters of the undertaking" and "the undertakers" mean respectively the Corporation.

## PART II.

### LANDS.

5. Subject to the provisions of this Act the Corporation may for the purposes of this Act and of their water undertaking enter upon take acquire hold and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference. Acquisition of lands.

6.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act (including the subsidiary works and conveniences authorised by subsection (2) of the section of this Act whereof the marginal note is "Power to make waterworks") acquire such easements only in such lands Acquisition of easements.

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as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts and of the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they shall have given notice to treat for an easement only.

(4) Every notice to treat for the acquisition of an easement shall either contain or be endorsed with notice of this provision.

Limiting quantity of common lands to be taken.

7. The quantity of common or commonable lands which may be taken by the Corporation under the powers of this Act shall not exceed the following (that is to say) :—

Name of Common.	Parish in which the lands are situate.	Estimated quantity to be acquired.
Rishworth Moor (or Schole Carr Moor)	Rishworth	Acres. 2

Compensation in case of recently acquired interest.

8. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any

interest in the land created after the twentieth day of November nineteen hundred and twenty-three if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

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

Period for compulsory purchase of lands.

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

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

(a) The owner of and persons interested in either of the properties numbered on the deposited plans 109 in the urban district of Soyland and 206 in the urban district of Rishworth whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter included in the term " the owner " and the said properties or either of them are hereinafter referred to as " the said properties " ;

(b) If for twenty-one days after the service of notice to treat in respect of a specified portion of either of the said properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise ;

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

reasonably and properly incurred by him in consequence of such notice; A.D. 1924.

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

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

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

11. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by the Corporation shall as from the date of such acquisition be extinguished Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement. Extinction of private rights of way.

12.—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of their water undertaking but the quantity of lands held by the Corporation in pursuance of this section (exclusive of lands held for or in connection with the purpose of protecting their waters and waterworks against pollution fouling contamination or injury) shall Purchase of additional lands by agreement.



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

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

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

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

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising



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

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

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

Proceeds of  
sale of sur-  
plus lands.

(2) Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase;
- (b) the borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

15. The following sections of the Act of 1916 shall with any necessary modifications extend and apply to the

Application  
of provi-  
sions of Act  
of 1916.

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A.D. 1924. exercise of the powers of this Act as if the same were re-enacted in this Act (that is to say) :—

Section 34 (Persons under disability may grant easements &c.);

Section 35 (Power to retain sell &c. lands);

Section 37 (Reservation of water rights &c. on sale).

Power to agree as to drainage of lands &c.

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

Further powers for acquisition of land.

17.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the city and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any moneys so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

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

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

this section shall be payable out of the borough fund and borough rate : A.D. 1924

Provided that nothing in this subsection shall authorise the Corporation—

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

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

- (a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health; or
- (b) in such other manner as may be approved by the Minister of Health.

### PART III.

#### WATERWORKS AND WATER SUPPLY.

18.—(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 book of reference and according to the levels shown on the deposited sections the works hereinafter described. Power to  
make water-  
works.

The said works will be situate in the west riding of the county of York and are—

Work No. 1 An impounding reservoir in the urban districts of Rishworth and Soyland to be called the Baitings Reservoir to be formed by means of an embankment across the River Ryburn;

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Work No. 2 An impounding reservoir situate in the urban districts of Rishworth and Soyland to be called the Ryburn Reservoir to be formed by means of an embankment across the River Ryburn;

Work No. 3 A conduit or catchwater to be called Parrock Nook catchwater in the urban district of Rishworth commencing in the clough or stream which passes between the farmhouses known as Clough Side and Blackwood and terminating at the reservoir Work No. 1 authorised by this Act;

Work No. 4 A conduit or catchwater to be called Gilbert Catchwater in the urban district of Rishworth commencing in the stream known as Gilbert Gulley and terminating at the embankment forming the reservoir Work No. 2 authorised by this Act;

Work No. 5 A road commencing in the urban district of Rishworth at the bridge over the Bogden Clough at Hazel Grove and terminating in the urban district of Soyland by a junction with the Halifax and Rochdale main road;

Work No. 6 A raising and improvement of the road over Baitings Bridge commencing in the urban district of Rishworth and terminating in the urban district of Soyland;

Work No. 7 An aqueduct conduit or line or lines of pipes commencing in the reservoir Work No. 1 authorised by this Act and terminating in the urban district of Ardsley East and West at the existing Ardsley Reservoir;

Work No. 8 An aqueduct conduit or line of pipes in the urban district of Barkisland commencing in the existing aqueduct of the Wakefield Corporation in the public road leading from Krumlin to Dean Head and terminating in the aqueduct Work No. 7 authorised by this Act.

(2) In addition to the works hereinbefore described the Corporation may upon any lands for the time being belonging to them or over which they have or obtain easements make and maintain all such buildings machinery roads tramroads filters works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the Corporation's waterworks or necessary for inspecting maintaining

repairing cleansing managing working or using the same but 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.

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

Limits of deviation.

(2) Provided that—

- (a) the Corporation shall not construct the embankments or dams of the reservoirs Works Nos. 1 and 2 of greater heights above the general surface of the ground than those respectively shown on the deposited sections in respect of the corresponding embankments or dams and five feet in addition;
- (b) except for the purpose of crossing over a stream no part of the conduits catchwaters or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

**20.**—(1) Unless the construction of the reservoirs by this Act authorised or one of them shall have been commenced within a period of five years from the passing of this Act then on the expiration of that period the power to take water under the section of this Act of which the marginal note is "Power to take water" shall cease and the powers by this Act granted to the Corporation in relation to the construction of the works by this Act authorised and the power to take water during the construction of such works shall cease and determine.

Period for completion of works.

(2) If the works authorised by this Act and delineated on the deposited plans are not completed within fifteen years from the thirty-first day of December nineteen hundred and twenty-four then on the expiration of that period the powers granted by this Act



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for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

(3) Provided that subject to the provisions of subsection (1) of this section the Corporation may extend enlarge alter reconstruct renew or remove any of the said works which shall be completed within the period referred to in subsection (2) of this section and in the case of the conduits and lines of pipes authorised by this Act and completed within the said period lay down additional lines of pipes as and when occasion may require.

For protec-  
tion of  
Yorkshire  
(Woollen  
District)  
Electric  
Tramways  
Limited.

**21.** Any works authorised by this Act which shall interfere with any railways or works constructed on or before the twentieth day of November nineteen hundred and twenty-three in pursuance of the Spenn Valley Light Railways Order 1901 or the Spenn Valley Light Railways (Extension) Order 1901 or with any tramways operated by the Yorkshire (Woollen District) Electric Tramways Limited and constructed on or before the twentieth day of November nineteen hundred and twenty-three shall be executed in accordance with and subject to the provisions of section 41 (Rights of authorities and companies &c. to open roads) of the said Spenn Valley Light Railways Order 1901 and subject to the provisions hereinafter set forth:—

- (a) The notice required to be given under subsection (1) (b) of section 41 of the said Order shall except in cases of emergency be a seven days' notice and shall be accompanied by plans of the proposed works:
- (b) The Corporation shall comply with all reasonable directions of the Yorkshire (Woollen District) Electric Tramways Limited (in this section referred to as "the company") and shall save harmless the company against all expenses occasioned by the works:
- (c) All interference with the railways and works of the company may if they so desire be effected by the company at the reasonable expense of the Corporation. Provided that if the company intend to effect such interference themselves they shall give notice thereof to the Corporation within seven days of receiving notice under sub-



section (a) of this section and shall proceed with the work with all reasonable despatch and that if they fail to complete it within a reasonable time the Corporation may themselves effect such interference as if no notice had been given under this subsection:

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- (d) If any question arises under this section between the company and the Corporation that question shall be referred to arbitration under the said Order.

**22.** For the protection of the mayor aldermen and burgesses of the county borough of Dewsbury (in this section referred to as "the Dewsbury Corporation") and of the Dewsbury and Heckmondwike Waterworks Board (hereinafter called "the waterworks board") the following provisions shall unless otherwise agreed in writing between the Corporation and the Dewsbury Corporation or the waterworks board (as the case may be) apply and have effect (that is to say):—

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

- (1) Not less than twenty-one days before commencing the execution of any of the works authorised by this Act within a distance of three yards from or which may involve interference with any aqueduct conduit water main or pipe or any gas main or pipe or any electricity main or any apparatus connected with any of the aforesaid mains or pipes or with any works of any description whatsoever in connection with the water gas or electricity undertakings or with any works in connection with any tramway or light railway or any sewer or drain belonging to the Dewsbury Corporation or in connection or with the water undertaking of the waterworks board (all of which before mentioned matters and things are in this section together referred to as "the apparatus") the Corporation shall furnish to the Dewsbury Corporation and/or the waterworks board (as the case may be) plans sections and particulars of such work:

- (2) If and so far as the execution of any such work as aforesaid by the Corporation involves any alteration of any apparatus of the Dewsbury Corporation or the waterworks board such

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alteration shall only be carried out in accordance with the said plans sections and particulars as reasonably approved by the Dewsbury Corporation or the waterworks board or their borough or waterworks engineer Provided that if the Dewsbury Corporation or the waterworks board fail for a period of twenty-one days after the submission to them of the said plans sections and particulars to express in writing their disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof and that if within the said period of twenty-one days the Dewsbury Corporation or the waterworks board in writing express their disapproval of the said plans sections and particulars or make any requirement in relation thereto with which the Corporation are unable or unwilling to comply a difference shall be deemed to have arisen between them with respect to the said plans sections and particulars:

- (3) If the Dewsbury Corporation or the waterworks board shall be of opinion that the execution of any work shown on the plans and sections furnished to them by the Corporation as aforesaid will injuriously affect the stability of any apparatus of the Dewsbury Corporation or the waterworks board (whether the execution of such work will involve any alteration of such apparatus or not) the Dewsbury Corporation or the waterworks board may at any time within twenty-one days after the submission to them of the said plans sections and particulars by notice in writing require the Corporation to raise lower or otherwise alter the position of or to support such apparatus and if the Corporation shall not within twenty-one days after the receipt of any such notice from the Dewsbury Corporation or the waterworks board intimate to them in writing their objection thereto the Corporation shall be deemed to assent to the requirements of the notice and shall in executing the said work at their own expense comply with such requirements but if within such period of twenty-one days as last aforesaid

the Corporation shall in writing intimate to the Dewsbury Corporation or the waterworks board any objection to the said requirements a difference shall be deemed to have arisen between them with respect thereto :

- (4) If the Dewsbury Corporation or the waterworks board shall incur any additional expense in the maintenance of any apparatus by reason or in consequence of the execution of any of the works authorised by this Act the Corporation shall repay to the Dewsbury Corporation or the waterworks board the amount of such additional expense :
- (5) The Corporation shall not lay any of the works authorised by this Act at a less distance than one foot six inches from any apparatus of the Dewsbury Corporation or the waterworks board except where it may be necessary for such work to be laid across such apparatus in which case such work shall be so laid as to leave between the same and the apparatus of the Dewsbury Corporation or the waterworks board a space of at least one foot and shall be self-supporting for a distance of at least three feet on either side of the point of crossing :
- (6) The works authorised by this Act shall so far as practicable be executed so as not to prevent or render less convenient access by the Dewsbury Corporation or the waterworks board to their apparatus for the purpose of repair alteration or renewal thereof :
- (7) All mains pipes or works to be laid in or along any main road public highway or street shall so far as is reasonably practicable be constructed and laid in such position as the Dewsbury Corporation shall by writing under the hand of their surveyor reasonably direct :
- (8) Except in cases of emergency and except when the works consist of service pipes the notice required by the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such main road public highway or street be not less than seven clear days and the plan required by the last-mentioned Act shall be delivered to the Dewsbury Corporation

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or their surveyor by the Corporation not less than twenty-one days before the Corporation commence to open or break up any main road public highway or street for the purpose of executing the works :

- (9) All works shall be executed by the Corporation so as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such main road public highway or street and the Corporation shall not break up at any one time a greater length than one hundred yards of any main road public highway or street :
- (10) Notwithstanding anything in this Act contained it shall be lawful for the Dewsbury Corporation at any time or times to divert widen or improve any such main road public highway or street vested in and repairable by them and also to remove alter widen or renew any county or main road bridge or the approaches thereto in alongside or near to which any such mains pipes or works are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such main road public highway street or bridge or the approaches thereto if this Act had not been passed and such mains pipes or works had not been constructed or laid in over alongside or near to such main road public highway street or bridge respectively without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such diversion widening improvement removal alteration or renewal. And in the event of any such main road public highway street or bridge or the approaches thereto in alongside or near to which such mains pipes or works are laid being diverted widened or improved removed altered or renewed as aforesaid the Corporation shall at their own expense if it should become necessary so to do remove or alter the position of their said mains or pipes and the works by which the same are carried alongside or near to any such main road public highway street or bridge or the

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approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor. Provided that before such diversion widening improvement removal alteration or renewal the Dewsbury Corporation shall give three months' notice in writing to the Corporation of their intention to carry out such works and the Dewsbury Corporation shall afford at the cost of the Corporation reasonable facilities for temporarily carrying the mains pipes or works of the Corporation along the main road public highway or street or across the stream so as not to interrupt the continuous flow of water :

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

(12) The apparatus of the Dewsbury Corporation hereinbefore referred to shall where necessary be deemed to include the apparatus belonging solely to the Dewsbury Corporation as well as the apparatus belonging to the Dewsbury Corporation jointly with any other corporation authority or person.

**23.** The following provisions shall unless otherwise agreed have effect for the protection of the mayor aldermen and burgesses of the county borough of Dewsbury (hereinafter called "the Dewsbury Corporation") and their lessees the National Electric Construction Company Limited (hereinafter called "the lessees") (that is to say) :—

(1) Twenty-eight days before commencing to execute or construct any works under the powers of this Act which may involve interference with any tramway of the Dewsbury Corporation the Corporation shall deliver to the Dewsbury Corporation and the lessees plans sections and

For protection of  
Dewsbury  
Corporation  
and National  
Electric  
Construction  
Company  
Limited.



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specifications of such works as proposed to be executed or constructed and within twenty-one days from such delivery the Dewsbury Corporation or the lessees may in writing intimate to the Corporation any objections to the said plans sections and specifications or make any requirements with respect to such works and in the event of any difference arising under this subsection between the Dewsbury Corporation and the lessees on the one hand and the Corporation on the other hand the matters in difference shall be determined by arbitration as hereinafter provided :

- (2) The said works shall be executed or constructed in accordance with the said plans sections specifications and requirements as approved or made by the Dewsbury Corporation or the lessees or settled by arbitration as aforesaid and under the superintendence and to the reasonable satisfaction of the Dewsbury Corporation and the lessees Provided that at any time before the Corporation are entitled to commence such works the Dewsbury Corporation or the lessees may give notice to the Corporation stating that they desire to execute or construct any alterations of any of their tramways necessitated by such works and the Dewsbury Corporation or the lessees may to the reasonable satisfaction of the Corporation execute or construct such alterations subject to the like restrictions and conditions so far as they are applicable as the Corporation would themselves be subject to in executing or constructing the same and if the Dewsbury Corporation or the lessees give such notice the Corporation shall not be entitled to proceed themselves to execute or construct such alterations unless the Dewsbury Corporation or the lessees neglect or unreasonably delay to execute or construct the same :
- (3) If during and by the execution or construction of the said works (otherwise than by the Dewsbury Corporation or the lessees) any tramway of the Dewsbury Corporation or any of the works or conveniences connected therewith shall be injured or damaged such injury or



damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do the Dewsbury Corporation or the lessees may make good the same :

- (4) The Corporation in executing or constructing the said works shall not so far as it shall be reasonably practicable in any manner obstruct hinder or interfere with the free or uninterrupted and safe user of the tramways of the Dewsbury Corporation or any traffic on such tramways and shall make full compensation to the Dewsbury Corporation and the lessees for any loss damage or penalty which they may incur by reason of any such obstruction hindrance or interference as aforesaid which may be occasioned by the Corporation :
- (5) The Corporation shall bear and on demand pay to the Dewsbury Corporation or the lessees the reasonable expenses incurred by the Dewsbury Corporation or the lessees in respect of the execution by them of any works under the proviso to subsection (2) of this section or under subsection (3) of this section and in respect of the employment by the Dewsbury Corporation or the lessees during the execution of any of the said works of the Corporation affecting any such tramway as aforesaid of such inspectors or watchmen as are reasonably necessary for watching such tramway and the works and conveniences connected therewith during and with reference to the execution of such works and for preventing as far as may be all interference obstruction danger or accident arising from any of the operations of the Corporation or from acts or defaults from any of the operations of the Corporation or from acts or defaults of the contractors of the Corporation or of any person or persons in their employ or otherwise :
- (6) Any dispute or difference which may arise under this section between the Dewsbury Corporation and the lessees on the one hand and the Corporation on the other hand shall be settled by a civil engineer to be agreed upon or failing such agreement to be appointed as arbitrator by the

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President of the Institution of Civil Engineers on the application of the Corporation or the Dewsbury Corporation or the lessees or any one of them:

- (7) Nothing in this section shall prejudice or affect the powers of the Corporation under section 32 of the Tramways Act 1870.

For protec-  
tion of  
Mirfield  
Urban  
District  
Council.

**24.** For the protection of the urban district council of the district of Mirfield being the urban sanitary authority for the said district (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Corporation and the council apply and have effect (that is to say):—

(1) Not less than twenty-one days before commencing the execution of any of the works authorised by this Act within a distance of three yards from or which may involve interference with any aqueduct conduit electricity main or any apparatus connected with any of the aforesaid mains aqueducts or conduits or with any works of any description whatsoever in connection with the electricity undertaking or with any works in connection with any sewer or drain belonging to the council (all of which before-mentioned matters and things are in this section together referred to as "the apparatus") the Corporation shall furnish to the council plans sections and particulars of such work:

(2) If and so far as the execution of any such work as aforesaid by the Corporation involves any alteration of any apparatus of the council such alteration shall only be carried out in accordance with the said plans sections and particulars as reasonably approved by the council or their surveyor or engineer. Provided that if the council fail for a period of twenty-one days after the submission to them of the said plans sections and particulars to express in writing their disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof and that if within the said period of twenty-one days the council in writing express their disapproval of

the said plans sections and particulars or make any requirement in relation thereto with which the Corporation are unable or unwilling to comply a difference shall be deemed to have arisen between them with respect to the said plans sections and particulars :

- (3) If the council shall be of opinion that the execution of any work shown on the plans and sections furnished to them by the Corporation as aforesaid will injuriously affect the stability of any apparatus of the council (whether the execution of such work will involve any alteration of such apparatus or not) the council may at any time within twenty-one days after the submission to them of the said plans sections and particulars by notice in writing require the Corporation to raise lower or otherwise alter the position of or to support such apparatus and if the Corporation shall not within twenty-one days after the receipt of any such notice from the council intimate to them in writing their objection thereto the Corporation shall be deemed to assent to the requirements of the notice and shall in executing the said work at their own expense comply with such requirements but if within such period of twenty-one days as last aforesaid the Corporation shall in writing intimate to the council any objection to the said requirements a difference shall be deemed to have arisen between them with respect thereto :
- (4) If the council shall incur any additional expense in the maintenance of any apparatus by reason or in consequence of the execution of any of the works authorised by this Act the Corporation shall repay to the council the amount of such additional expense :
- (5) The Corporation shall not lay any of the works authorised by this Act at a less distance than one foot six inches from any apparatus of the council except where it may be necessary for such work to be laid across such apparatus in which case such work shall be so laid as to leave between the same and the apparatus of the council a space of at least one foot and shall be

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- self-supporting for a distance of at least three feet on either side of the point of crossing :
- (6) The works authorised by this Act shall so far as practicable be executed so as not to prevent or render less convenient access by the council to their apparatus for the purpose of repair alteration or renewal thereof :
  - (7) All mains pipes or works to be laid in or along any main road public highway or street shall so far as is reasonably practicable be constructed and laid in such position as the council shall by writing under the hand of their surveyor reasonably direct :
  - (8) Except in cases of emergency and except when the works consist of service pipes the notice required by the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such main road public highway or street be not less than seven clear days and the plan required by the last-mentioned Act shall be delivered to the council by the Corporation not less than twenty-one days before the Corporation commence to open or break up any main road public highway or street for the purpose of executing the works :
  - (9) All works shall be executed by the Corporation so as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such main road public highway or street and the Corporation shall not break up at any one time a greater length than one hundred yards of any main road public highway or street :
  - (10) Notwithstanding anything in this Act contained it shall be lawful for the council at any time or times to divert widen or improve any such main road public highway or street vested in and repairable by them and also to remove alter widen or renew any county or main road bridge or the approaches thereto in alongside or near to which any such mains pipes or works are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such main road public highway street or bridge or the approaches thereto if this

Act had not been passed and such mains pipes or works had not been constructed or laid in over alongside or near to such main road public highway street or bridge respectively without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such diversion widening improvement removal alteration or renewal. And in the event of any such main road public highway street or bridge or the approaches thereto in alongside or near to which such mains pipes or works are laid being diverted widened or improved removed altered or renewed as aforesaid the Corporation shall at their own expense if it should become necessary so to do remove or alter the position of their said mains or pipes and the works by which the same are carried alongside or near to any such main road public highway street or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor. Provided that before such diversion widening improvement removal alteration or renewal the council shall give three months' notice in writing to the Corporation of their intention to carry out such works and the council shall afford at the cost of the Corporation reasonable facilities for temporarily carrying the mains pipes or works of the Corporation along the main road public highway or street or across the stream so as not to interrupt the continuous flow of water :

- (11) If any difference shall arise between the Corporation and the council under this section such difference shall be determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination :
- (12) The apparatus of the council hereinbefore referred to shall where necessary be deemed to



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include the apparatus belonging solely to the council as well as the apparatus belonging to the council jointly with any other corporation authority or person.

For protec-  
tion of  
Batley Cor-  
poration.

**25.**—(1) For the protection of the mayor aldermen and burgesses of the borough of Batley (in this section referred to as “the Batley Corporation”) the following provisions shall unless otherwise agreed in writing between the Corporation and the Batley Corporation apply and have effect (that is to say):—

(i) Not less than fourteen days before commencing the execution of any of the works authorised by this Part of this Act within a distance of three yards from any existing or authorised aqueduct conduit water main pipe or apparatus connected therewith (all of which are in this section together referred to as “apparatus”) belonging to the Batley Corporation the Corporation shall furnish to the Batley Corporation plans sections and particulars of such work:

(ii) If and so far as the execution of any such work as aforesaid by the Corporation involves any alteration of any apparatus of the Batley Corporation such alteration shall only be carried out in accordance with the said plans sections and particulars as reasonably approved by the Batley Corporation or their waterworks engineer. Provided that if the Batley Corporation fail for a period of fourteen days after the submission to them of the said plans sections and particulars to express in writing their disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof and that if within the said period of fourteen days the Batley Corporation in writing express their disapproval of the said plans sections and particulars or make any requirement in relation thereto with which the Corporation are unable or unwilling to comply a difference shall be deemed to have arisen between them with respect to the said plans sections and particulars:

(iii) If the Batley Corporation shall be of opinion that the execution of any work shown on the



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

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

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to prevent or render less convenient access by the Batley Corporation to their apparatus for the purpose of repair alteration or renewal thereof :

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

(viii) The term " apparatus of the Batley Corporation " hereinbefore referred to shall where necessary be deemed to include the apparatus belonging solely to the Batley Corporation as well as apparatus belonging to the Batley Corporation jointly with any other Corporation authority or person.

(2) Nothing in this Act contained shall authorise or empower the Corporation to supply water either directly or indirectly in any of the townships or places within the limits of supply of the mayor aldermen and burgesses of the borough of Batley or to construct works for such supply or otherwise to interfere with lessen prejudice or alter any of the rights powers or privileges of the said mayor aldermen and burgesses.

For protec-  
tion of  
Elland  
Urban  
District  
Council.

**26.** By way of addition to and not in diminution or restriction of the provisions of the Waterworks Clauses Act 1847 with respect to the interference with and restoration and repair of roads or incident thereto the following provisions shall with respect to roads or streets sewers drains and gas and water pipes interfered with by the Corporation within the district of the Elland Urban District Council (in this section called " the council ") have effect unless otherwise agreed in writing between the Corporation and the council (namely) :—

(a) In constructing any works authorised by this Act it shall not be lawful for the Corporation to alter the level of any such road or street sewer

drain gas pipe or water pipe belonging to or under the control of the council except with the consent of the council :

- (b) Any works of alteration of sewers drains or gas pipes or water pipes belonging to the council which may be rendered necessary by the works authorised by this Act shall be executed according to plans to be approved by the surveyor for the time being of the council and shall be executed by the workmen of the council under the superintendence of such surveyor and to his satisfaction and all reasonable costs and expenses of and incident to such works shall be paid by the Corporation to the council forthwith on the completion of such works :
- (c) A clear and sufficient carriageway shall so far as practicable be kept for the passage of carriages and traffic along every such road or street during any interference therewith by the Corporation for the purposes of this Act and in case of default in reasonable compliance with this enactment the council may by their own servants and workmen clear and keep clear such carriageway and may recover the expenses of and incident thereto from the Corporation :
- (d) No greater length than one hundred yards of any such road or street shall be broken up at any one place at one time without the consent of the council nor without the like consent shall any works be carried on at the same time within that district at a less interval than two hundred yards from each other and in case any trench or cutting on any such road or street shall be flooded with water the Corporation shall not cast the same upon any part of such road or street but shall by proper means convey such water away to the nearest convenient sewer drain or channel of sufficient capacity or to such sewer drain channel or place as shall be reasonably pointed out by the surveyor of the council :
- (e) The Corporation shall pay to the council full compensation for all damage (if any) occasioned during the progress of the works by this Act authorised to those parts of the roads in the

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district of the council in or through which any mains authorised by this Act shall be laid which may not be actually broken up but which by reason of the increased traffic thrown thereon or otherwise may be prejudicially affected by such works and if any dispute shall arise as to whether any such damage has been so occasioned or as to the amount of such compensation every such dispute shall be settled by arbitration in the manner provided by the Lands Clauses Consolidation Act 1845 :

- (f) No water main shall be laid down by the Corporation in any road or street within the district of the council within such a distance as may prevent the council from having sufficient access for the purposes of reparation and renewal to any main sewer or pipe belonging to the council and laid down in the same road or street.

For protection of  
Huddersfield Corporation.

**27.** The following provisions for the protection of the mayor aldermen and burgesses of the county borough of Huddersfield (in this section referred to as "the Huddersfield Corporation") shall unless otherwise agreed between the Corporation and the Huddersfield Corporation apply and have effect :—

- (1) In the exercise of the powers conferred upon them by this Act the Corporation shall acquire no greater interest than an easement or right of constructing and maintaining the aqueduct conduit or line or lines of pipes (Work No. 7) by this Act authorised (in this section referred to as "Work No. 7") in accordance with the provisions of this Act in or under any of the lands belonging to the Huddersfield Corporation and numbered on the deposited plans 2 3 4 5 6 7 8 27 and 28 in the county borough of Huddersfield and 5 and 7 in the urban district of Kirkheaton :

- (2) In constructing Work No. 7 through the said lands numbered 2 3 4 5 6 7 and 8 in the county borough of Huddersfield the said work shall be laid so that between the western extremity of the said inclosure No. 3 and the eastern extremity of the said inclosure No. 7 a

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space of at least one hundred feet shall intervene between the said work and the southern boundary of Bradley Road :

- (3) Not less than one month before commencing to construct renew or reconstruct Work No. 7 in any street or road in or across which a tramway of the Huddersfield Corporation is situate or under over or within five yards of any sewer gas main water main or electric cable of the Huddersfield Corporation (in this section referred to as "the protected works") the Corporation shall deliver to the Huddersfield Corporation for their reasonable approval plans and sections of such works and particulars of the proposed manner of executing the same so far as they will affect such protected works and if at the expiration of twenty-one days from such delivery the Huddersfield Corporation shall not have disapproved the said plans sections and particulars they shall be deemed to have approved thereof and if any difference shall arise concerning the said plans sections and particulars such difference shall unless otherwise agreed be determined by arbitration as in this section provided :
- (4) Work No. 7 shall be constructed renewed or reconstructed as the case may be in accordance with the plans and sections so approved or settled as aforesaid :
- (5) The Corporation shall construct Work No. 7 in the borough of Brighouse the parish of Fixby and the county borough of Huddersfield so that it shall not so far as reasonably practicable be under the tramway track of the Huddersfield Corporation as at present laid nor under the site of any additional lines of rails which the Huddersfield Corporation are now empowered to lay in connection therewith :
- (6) Notwithstanding anything shown on the deposited plans and sections Work No. 7 so far as it is to be constructed in the said lands numbered 27 and 28 exclusive of the River Colne and of a distance of approximately twenty-five feet on the east side of the canal towing-path and of the like distance on each side of the said



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river in the county borough of Huddersfield and numbers 5 and 7 in the urban district of Kirkheaton shall be constructed below the surface of the ground :

- (7) The Corporation shall not unreasonably stop or interfere with the working of any tramway of the Huddersfield Corporation but shall make all such temporary or other arrangements as may be reasonably necessary for enabling the Huddersfield Corporation to maintain a proper and sufficient service on such tramways and in default of the Corporation the Huddersfield Corporation may make such arrangements and recover from the Corporation any expenses reasonably incurred by them in so doing :
- (8) The Huddersfield Corporation may if reasonably necessary employ a person or persons to superintend the works whereby any protected works of the Huddersfield Corporation will be interfered with or affected during the construction repair or renewal of any works of the Corporation and the reasonable expense incurred by them in so doing shall be repaid to them by the Corporation :
- (9) If injury to any of the protected works and if any interruption in the traffic on the tramways of the Huddersfield Corporation shall be occasioned in connection with the works of the Corporation either by reason of the exercise of the statutory powers conferred upon the Corporation or by the act or default of the Corporation or of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Corporation shall make good to the Huddersfield Corporation any loss damage or expense which may be occasioned to them by reason of such injury interruption failure act or default :
- (10) If the Huddersfield Corporation by notice in writing to the Corporation within twenty-one days after the receipt by them of notice of the intended commencement by the Corporation of the works of the Corporation so require the Huddersfield Corporation may if reasonably necessary by their own surveyor workmen or

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contractors alter the position of any of the protected works or any works connected therewith or support the same or substitute temporarily or otherwise other works and lay or place under any protected works cement concrete or other like substance and the Corporation shall on completion of any such works pay to the Huddersfield Corporation the reasonable expenses incurred by them in connection therewith :

- (11) Where any work authorised by this Act is laid under any road vested in or repairable by the Huddersfield Corporation the same shall be laid and maintained so far as reasonably practicable at the side of the road and so that the upper surface thereof is not less than three feet below the surface of the road except in special cases where with the consent of the surveyor for the time being of the Huddersfield Corporation (in this section referred to as " the surveyor ") a less space may intervene and the trench shall be filled in and the surface of the road made good and kept level with the adjoining surface of the road in accordance with the reasonable requirements of the surveyor and the Corporation shall be liable to maintain and repair at their own expense and to the reasonable satisfaction of the surveyor the roadway over the trench for a period of twelve months from the date of the surface being made good as aforesaid :
- (12) If within a period of twelve months after any work authorised by this Act has been laid in any road vested in or repairable by the Huddersfield Corporation any sinking or subsidence of the surface of the road due thereto shall occur the Corporation shall at their own expense make up the surface of the road to the satisfaction of the surveyor and if they fail to do so in seven days when required by the surveyor he may on giving the Corporation twenty-four hours' notice cause the work to be done and all expenses reasonably incurred in connection with such work shall be repaid

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- by the Corporation to the Huddersfield Corporation :
- (13) The works authorised by this Act and any works of maintenance alteration or renewal thereof shall be executed so as not to stop or unreasonably impede or interfere with the traffic over or along any road vested in or repairable by the Huddersfield Corporation and no such road shall be broken up for more than two hundred yards in any single length at any one time :
- (14) The Huddersfield Corporation may at any time enlarge improve and reconstruct any protected works or lay new or additional lines of tramways sewers gas mains water mains or electric cables under or over any work authorised by this Act in the same manner as they might have enlarged improved and reconstructed any such protected works or laid any such new or additional lines of tramways sewers mains or cables if this Act had not been passed but the same shall be carried out to the reasonable satisfaction and under the superintendence of the Corporation or their officers and shall be so constructed and maintained as not to interfere with or injure in any way any work of the Corporation :
- (15) The Huddersfield Corporation shall not except in case of negligence be liable to the Corporation for any damage done to any work authorised by this Act where laid under a road vested in or repairable by the Huddersfield Corporation caused by the reasonable use of a road roller or other engine and the Corporation shall indemnify the Huddersfield Corporation from claims for damages that may be made against the Huddersfield Corporation by reason of any sinking or subsidence of the road caused by the construction or failure of any work authorised by this Act :
- (16) If by reason or in consequence of the construction of the works authorised by this Act any increased expense is reasonably incurred by the Huddersfield Corporation in connection with the maintenance repair reconstruction or widening of any road vested in or repairable by

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the Huddersfield Corporation or the laying of any additional line of rails in connection with any existing tramways of the Huddersfield Corporation the increased expense so incurred shall be repaid by the Corporation to the Huddersfield Corporation :

- (17) Any difference which may arise between the Corporation and the Huddersfield Corporation under this section shall be settled by a single arbitrator to be appointed failing agreement upon the application of either party by the President of the Institution of Civil Engineers.

**28.** The provisions of section 15 of the Electric Lighting Act 1882 and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to and with respect to the carrying out and maintenance of the works of water supply authorised by this Act as if the Yorkshire Electric Power Company were the undertakers referred to in those sections and shall be deemed to extend to pipes lines or works constructed upon or above the level of the ground and the Corporation shall not interfere with the lines or works of the Yorkshire Electric Power Company except in accordance with such provisions.

For protec-  
tion of  
Yorkshire  
Electric  
Power  
Company.

**29.—(1)** In the construction of the aqueducts and works incidental thereto by this Act authorised across any stream watercourse or drain the Corporation shall not diminish the width between the banks thereof and shall lay such aqueducts and works at such height as will allow free passage of flood waters Where such aqueducts are proposed to be laid under such stream watercourse or drain they shall be laid at such depth as will not cause obstruction and as will allow of the proper cleansing or scouring of the stream watercourse or drain and of the deepening of the bed to a reasonable extent to allow of any necessary improvements.

For protec-  
tion of  
water-  
courses.

(2) Before commencing such works the Corporation shall submit to the county council for their approval a plan and section showing the proposed mode of constructing the same across or under such stream watercourse or drain Provided that if the county council do not express their approval or disapproval within twenty-one days they shall be deemed to have approved thereof.

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(3) If any difference arises between the county council and the Corporation as to the meaning of this section such difference shall be referred to and determined by an engineer appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of West Riding County Council.

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

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

(2) In the execution of the work required by section 32 of the Waterworks Clauses Act 1847 the following provisions shall have effect:—

(a) In the case of a paved road the reinstatement shall be effected with concrete foundations and (so far as the paving material taken from the road is not in the opinion of the county surveyor suitable for replacement) paving material of similar character to that in the adjacent portion of the road to be approved by the said surveyor;



(b) In the case of a road of macadamised surface the reinstatement shall be effected with hand packed rubble pitched foundations nine inches deep properly consolidated after the lower portion of the trench has been effectually filled in and a properly consolidated surface coating four inches in thickness similar in character to that on the adjacent portion of the road and to be approved by the said surveyor :

- (3) All works to be constructed or laid in along or across or in any way affecting any main road or county or main road bridge or any approach thereto shall be executed at the expense of the Corporation under the superintendence (if given) and to the reasonable satisfaction of the said surveyor and (except in the case of service pipes) in accordance with plans sections and specifications to be submitted to and reasonably approved of by him in writing before the commencement of any such work and seven days' notice shall be given to the said surveyor of the intention to lay any service pipes in such road. Provided that if the said surveyor shall not within twenty-one days after the said plans sections and specifications shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :
- (4) The Corporation shall not without the consent of the county council have more than one hundred lineal yards open or broken up at any one place at one time in any such main road and the works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto. All such works shall be proceeded with and completed with all possible despatch after the commencement thereof :
- (5) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times to divert widen or improve any such main road and also to remove alter widen

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or renew any such county or main road bridge or the approaches thereto in alongside or near to which any such mains pipes or works are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Act had not been passed and such mains pipes or works had not been constructed or laid in over alongside or near to such main road or bridge respectively without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such diversion widening improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto in alongside or near to which such mains pipes or works are laid being diverted widened or improved removed altered or renewed as aforesaid the Corporation shall at their own expense if it should become necessary so to do remove or alter the position of their said mains or pipes and the works by which the same are carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor Provided that before such diversion widening improvement removal alteration or renewal the county council shall give three months' notice in writing to the Corporation of their intention to carry out such works and the county council shall afford at the cost of the Corporation reasonable facilities for temporarily carrying the mains pipes or works of the Corporation along the main road or across the stream so as not to interrupt the continuous flow of water :

- (6) Notwithstanding anything in this Act contained if any difference shall arise between the Corporation and the county council touching this section or anything to be done or not to be done thereunder such difference shall be referred to and determined by arbitration by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either of the

parties in difference (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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**31.** For the further protection of the county council the urban district council of Soyland and the urban district council of Barkisland (each of which is hereinafter referred to as "the council") the following provisions shall have effect unless otherwise agreed in writing:—

For further protection of county council and of Soyland and Barkisland Councils.

- (1) Before commencing the haulage of materials and things for the execution of the reservoirs aqueducts and other works by this Act authorised on or over any road repairable by or at the cost of the council the Corporation shall give notice in writing to the surveyor for the time being of the council of the route along which such haulage is to take place and so far as may be reasonably practicable shall comply with his directions in respect thereof:
- (2) The Corporation shall on demand pay to the council towards the costs which the council may incur in the maintenance repair and reinstatement to its former condition of any such road during the construction alteration or repair of the said works a sum equal to twopence per ton for every load (including the weight of the engines or vehicles used therein) passing over each mile of road:
- (3) The Corporation shall furnish to the council once in each year during the progress of the works a statement showing the number and approximate weight of the loads carried and the mileage covered and the books and accounts kept by the Corporation showing any details of the particulars aforesaid shall be produced for inspection by the council at all reasonable times:
- (4) If any difference shall arise under the provisions of this section between the council and the Corporation the same shall be referred to and determined by an engineer or surveyor to be appointed failing agreement by the President

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of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of British Dyestuffs Corporation (Huddersfield) Limited.

**32.** For the protection of British Dyestuffs Corporation (Huddersfield) Limited their successors and assigns or other the owners for the time being of the Bradley Lodge Estate in the county borough of Huddersfield (all of whom are in this section referred to as "the owners") the following provisions shall notwithstanding anything in any other section of this Act or any Act incorporated therewith contained or shown on the deposited plans and sections and unless otherwise agreed in writing between the owners and the Corporation have effect (that is to say):—

- (1) In this section the expression "the signed plan" means the plan signed in quadruplicate by the Most Noble Thomas Henry Marquis of Bath the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which one copy has been deposited in the Parliament Office of the House of Lords and one copy in the Private Bill Office of the House of Commons:
- (2) The aqueduct conduit line or lines of pipes Work No. 7 by this Act authorised so far as the same shall be in or under any part of the estate of the owners shall be constructed or laid and maintained in the red line shown on the signed plan:
- (3) The said aqueduct shall not consist of more than one line of pipes and shall be laid underground at such a depth that not less than three feet of cover shall intervene between the top of the said aqueduct and the surface of the ground as the same then exists. Provided that the Corporation shall give to the owners one month's previous notice in writing of their intention to commence the construction of Work No. 7 upon the estate of the owners and if within one month after the receipt of such notice the owners shall deliver to the Corporation a section showing the level at which a street will or may be constructed along the whole or any part of the red

line on the signed plan then the said distance of three feet shall be measured from the level shown on the said section :

- (4) The Corporation shall not under or in pursuance of the powers of this Act take or acquire or except as by this section expressly provided use or interfere with either temporarily or permanently any lands of the owners but they may purchase and take and the owners shall sell and grant such easement in such lands as may be reasonably necessary to enable the Corporation to construct or lay maintain and repair in accordance with the provisions of subsections (2) and (3) of this section and inspect cleanse manage use work and obtain access to the said Work No. 7 and may give notice to treat in respect of such easement and the provisions of the Lands Clauses Acts and of the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to and in respect of such acquisition as fully as if the same were lands within the meaning of those Acts :
- (5) So soon as the Corporation shall commence the construction of the said Work No. 7 upon the lands of the owners they shall proceed without interruption and with all reasonable despatch to complete the portion of that work which will be situate in or under those lands :
- (6) Except where necessary for the purpose of the construction or maintenance of the said Work No. 7 the Corporation shall not cut down or interfere with any timber trees or shrubs on any of the lands of the owners and any timber trees or shrubs which it may be necessary to cut down or remove shall when cut down or removed belong to the owners :
- (7) In the construction or maintenance of the said Work No. 7 on any land of the owners the Corporation shall first carefully remove from the surface all turf and vegetable soil on the line or site of the work and shall fence all excavations from time to time made on such land so as effectually to prevent horses cattle sheep and other animals from falling into such excavations and on the completion of such work or any



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repairs or other maintenance thereof they shall remove such fences replace the turf and (subject to the necessary cutting down of any timber trees or shrubs) restore the surface as soon as may be to its former level and state and shall make good and reinstate to the reasonable satisfaction of the owners all roads fences walls drains pipes cables or other works of the owners which may have been interfered with by them :

- (8) All surplus material arising in the construction or maintenance of the said Work No. 7 shall if deposited on the estate of the owners be deposited at such place as they may from time to time reasonably direct and so long as any lands of the owners are used for the purpose of such deposit the Corporation shall make to the owners such reasonable compensation as shall in default of agreement be determined by arbitration as hereinafter provided :
- (9) The Corporation shall construct maintain and keep the said Work No. 7 so far as the same may pass through the lands of the owners and all works of the Corporation near to such lands so far as practicable watertight and shall indemnify the owners and their lessees and tenants against any loss or damage caused by the bursting of or leaking of water from any such work :
- (10) Notwithstanding anything contained in this Act or the grant of the said easements or rights or the construction of the said Work No. 7 the right of the owners and their lessees and tenants to use and cultivate any lands in or under which and to work all mines and minerals over which the said Work No. 7 may have been constructed shall not be interfered with and it shall be lawful for the owners and their lessees and tenants to lay out construct and use along over or under such work any roads fences walls drains pipes cables or other works provided such fences walls drains pipes cables or other like works shall not be laid over and along the said Work No. 7 so as to prevent reasonable access to the same :

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- (11) The Corporation shall compensate the owners and their lessees and tenants for any damage done to any crops of the owners or their lessees or tenants in the execution or maintenance of the said Work No. 7 :
- (12) Except so far as is by this section otherwise provided if any difference shall arise between the Corporation and the owners or any lessee or tenant of the owners under this section or respecting any act or thing to be done or payment to be made or right or liability thereunder such difference shall be referred to and determined by arbitration by a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of any of the parties in difference and the provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (13) The provisions of this section shall be in addition to and not in derogation from any other provisions of this Act or any Act incorporated therewith which may enure for the protection or benefit of the owners their lessees and tenants.

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

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

- (1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not except with the consent in writing of the company under their common seal enter upon take hold or use any lands belonging to the company but the Corporation may purchase and take and the company shall sell and grant accordingly an easement or right of using so much of the lands or property of the company as may be necessary for the construction and maintenance of the works by this Act authorised :
- (2) All works in connection with the construction maintenance repair and renewal of Work No. 7

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- by this Act authorised so far as the same may interfere with or affect any railway work or property of the company shall be executed in accordance with plans sections and specifications to be approved as hereinafter mentioned :
- (3) Not less than twenty-eight days before commencing any such works the Corporation shall deliver to the principal engineer of the company plans sections and specifications of the works proposed to be executed and if at the expiration of twenty-eight days from such delivery of the plans sections and specifications the said principal engineer shall not disapprove the same he shall be deemed to have approved thereof and if any difference shall arise concerning the said plans sections and specifications such difference shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned :
- (4) All such works shall when commenced be completed with due despatch in accordance with the plans sections and specifications so approved or settled as aforesaid and under the superintendence (if the same be given) and to the reasonable satisfaction of the said principal engineer and shall be executed by and in all things at the expense of the Corporation and so as not to cause any injury to the said railway work or property or interruption to the passage or conduct of the traffic on the railway and if by reason or in consequence of the execution of such works any injury shall arise to the said railway work or property or interruption to such traffic the Corporation shall make full compensation to the company in respect of such injury or interruption :
- (5) In the event of the Corporation failing to maintain any such works in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the company may make good the same and make and do in and upon the lands of the Corporation or their own lands all such repairs and things as may be reasonably requisite and recover from the Corporation

the reasonable expenses incurred by them in connection therewith :

- (6) If by reason of the construction or maintenance of the said works it shall become necessary to reconstruct alter strengthen underpin or in anywise interfere with the structure of any bridge embankment or other work of the company such reconstruction alteration strengthening or underpinning shall be carried out by the company at such times and in such manner as they may think expedient or necessary and the reasonable cost thereof shall be borne and paid by the Corporation :
- (7) The Corporation shall bear and on demand pay to the company the reasonable expense incurred by the company of and in connection with the superintendence by the said engineer of the said works and of and in connection with the employment by the company during the construction and maintenance repair or renewal of the said works under or across the railway of the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for watching and protecting the railway of the company and the conduct of the traffic thereon with reference to and during the construction maintenance repair or renewal of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person or persons in the employ of the Corporation or their contractors :
- (8) If at any time it is found necessary in order to enable the company under their powers as existing at the passing of this Act to carry out any alterations widenings or extensions of their railway or works or to adapt their railway for working by electrical power that the position of the said works shall be altered the Corporation shall on receiving notice in writing from the company so to do at the Corporation's own cost and with all despatch alter the position of the same so far as may be necessary to enable the

[Ch. lxxi.] *Wakefield Corporation* [14 & 15 GEO. 5.]  
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A.D. 1924:      company to carry out such alterations widenings extensions or adaptation and the provisions of this section shall apply to the said works in their altered position :

- (9) Any additional expense which the company may reasonably and properly incur in connection with their railway or other works as authorised at the passing of this Act by reason of the existence of the works of the Corporation shall be paid by the Corporation :
- (10) If any difference shall arise between the company or their engineer and the Corporation under this section such difference shall on the application of either party be referred to and determined by an engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

For protection of London Midland and Scottish Railway Company.

**34.** The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall apply and have effect except so far as may be otherwise agreed in writing between the Corporation and the company (that is to say) :—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall not without the previous consent of the company under their common seal purchase or acquire any lands or property of the company but the Corporation may purchase and take and the company shall sell and grant accordingly an easement or right of using so much of the lands or property of the company as may be necessary for the construction and maintenance of the works by this Act authorised :
- (2) Wherever any work by this Act authorised is laid or constructed over under alongside or within twenty-five feet of any lands or property of the company the same and all works forming part thereof and any maintenance repairs or renewals thereof shall be done under the



superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the company (in this section referred to as "the principal engineer") and (except in cases of emergency) before commencing any such works the Corporation shall deliver to the principal engineer plans sections and specifications of the works proposed to be executed. Such plans sections and specifications shall be delivered at least one month before the commencement of any such work and if at the expiration of one month from such delivery of the plans sections and specifications the principal engineer shall not disapprove the same he shall be deemed to have approved thereof. All such works shall when commenced be completed with due despatch in accordance with the plans sections and specifications so approved or settled in accordance with the provisions of this section and shall be executed by and in all things at the expense of the Corporation and so as not to cause any injury to the railways canal works lands or property of the company or interruption to the passage or conduct of the traffic over the said railways or canal and if by the execution of such works any injury shall arise to the said railways canal works lands or property or interruption to such traffic the Corporation shall make full compensation to the company in respect of such injury or interruption:

- (3) The Corporation shall not without the consent of the principal engineer which consent shall not be unreasonably withheld in constructing the works by this Act authorised over under or alongside the canal or railways of the company deviate from the centre line as shown on the deposited plans or from the levels thereof as shown on the deposited sections:
- (4) Where any work by this Act authorised crosses over any railway or canal of the company either on a separate structure or outside of an existing bridge it shall be carried across such bridge or structure and for such distance as may be reasonably practicable not exceeding thirty feet

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beyond the fence on each side thereof in iron troughs such troughs being made as far as practicable watertight and so constructed as to carry away all water which may at any time escape from such work clear of the railway works canal and property of the company :

- (5) Where any work by this Act authorised is carried over the railways or canal of the company by a separate structure the Corporation shall notwithstanding anything shown on the deposited plans carry the same on piers in such situations as shall be reasonably required by the principal engineer of the company and shall not at any time during the construction or maintenance of such work or any works connected therewith at any point between the boundary fences of the company's property permit the clear headway above the level of the rails to be reduced to less than fifteen feet six inches or the clear headway above the top water level of the canal to be reduced to less than ten feet :
- (6) Where any work by this Act authorised is laid in the company's lands or property it shall be constructed of mild steel pipes bedded in and surrounded with a thickness of not less than twelve inches of good Portland cement or such less thickness as may be approved by an arbitrator under the provisions of this section such concrete to be square in section :
- (7) Where any work by this Act authorised is carried over the railway of the company by means of an existing bridge the company shall if at any time they require to remove the said bridge grant to the Corporation an easement or right of constructing and maintaining such work under or over the said railway and the said work shall then be constructed and maintained accordingly in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the principal engineer and under his superintendence (if the same be given) and otherwise in accordance with the provisions of this section :
- (8) In the event of the Corporation constructing any work by this Act authorised under any bridge

of the company at a lower level than the foundations of such bridge any underpinning which may be reasonably necessary to ensure the stability of such bridge in consequence of the laying of such work shall (on the company giving at least seven days' notice thereof to the Corporation) be executed by the company but in all things at the cost of the Corporation :

- (9) The Corporation shall at all times maintain any work by this Act authorised and all works forming part thereof where the same are carried across the railways canal works or property of the company in substantial repair and good order and condition to the reasonable satisfaction of the principal engineer and if and whenever the Corporation fail so to do the company may make and do all such works and things as may be reasonably requisite in that behalf and the expenditure so reasonably incurred by the company shall be repaid to them by the Corporation :
- (10) If by reason of any works or proceedings of the Corporation or of their contractors or workmen or of the leakage bursting or failure of any work by this Act authorised or any work forming part thereof otherwise than by reason of any act or default of the company the said railways canal or any of the works or lands thereof shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense and to the reasonable satisfaction of the principal engineer and in the event of their failing so to do or in case of emergency the company may do all such works and things as may be reasonably requisite to make good the same and recover the expenditure so reasonably incurred from the Corporation and if any interruption shall be caused to the traffic of the said railways or canal by reason of any of the works of the Corporation or of any such leakage bursting or failure as aforesaid the Corporation shall make good and repay to the company any loss damage or expense which they may sustain or be put to by reason of such interruption :

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- (11) The Corporation shall bear and on demand pay to the company the reasonable expense of the employment by them during the making or maintenance of the works by this Act authorised and all works forming part thereof across the said railways canal and works of a sufficient number of inspectors signalmen or watchmen for inspecting such works and for watching the said railways canal and works and the conduct of the traffic thereon with reference to and during the execution and maintenance of such works of the Corporation and for preventing danger and accident and as far as may be all interference and obstruction from any of the operations or from the acts or defaults of any person or persons in the employ of the Corporation with reference thereto or otherwise :
- (12) Before the Corporation commence the construction of any work by this Act authorised on the land or property of the company any temporary works which may be reasonably necessary to ensure the stability of the said railways canal and works may and shall be carried out by the company for the Corporation according to plans sections and specifications to be previously agreed with the Corporation or approved by an arbitrator and the reasonable costs thereof and any expense incurred in connection therewith (including compensation payable to any workmen or their legal representatives or dependents who may be injured or killed whilst employed by the company in and about such works) shall be repaid by the Corporation to the company on demand Provided that the company shall on becoming aware of any injury or accident to any such workmen forthwith give notice thereof to the Corporation :
- (13) If it shall be agreed between the Corporation and the company or decided by an arbitrator (either before or during the construction or after the completion of any works by this Act authorised) that any further or other works or appliances or measures of precaution are reasonably required either by way of addition to the existing railway or canal or in connection

with any work by this Act authorised or in relation to the method of construction thereof so as to prevent subsidence of or injury to the said railway or canal owing to or in consequence of the execution of any such work the Corporation shall on being so required in writing under the hand of the principal engineer make and execute at their own expense and according to plans sections and specifications to be approved by him or by the arbitrator as hereinafter mentioned such works or take such measures of precaution including the temporary cessation of the construction of such work as the principal engineer or arbitrator shall require :

- (14) If the company shall at any time after the construction of any work by this Act authorised desire to alter or extend their railways or canal or any of the works or conveniences connected therewith the Corporation shall give to the company every reasonable facility for the execution of such alteration or extension and any additional expense to which the company may be put in the exercise of their existing powers or owing to the existence of any pier carrying any work by this Act authorised in carrying out any such alteration or extension of the railway or canal by reason of the construction of any such work shall be repaid to them by the Corporation :
- (15) If any difference shall arise between the Corporation and the company or their respective engineers under this section such difference shall be referred to and determined on the application of either party by an engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

**35.** Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of their waterworks the waters of the following streams namely the River Ryburn the Bogden Clough Clay Clough Horse Hey Clough Greenwood Clough Scar Clough Knave Holes Clough Black Castle Clough Rag Sapling Clough Dry Clough

Power to  
take water.



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White Hollow Clough Schole Carr Gutter High Gutter  
Black Hill Clough Hutch Brook Gilbert Gulley and all  
such springs streams and waters as will or may be  
intercepted by the works by this Act authorised subject  
to the provision by the Corporation of a free and satis-  
factory substituted water supply to any properties the  
water supplies to which are prejudicially affected by any  
operations of the Corporation.

As to com-  
pensation  
water.

**36.**—(1) Until the date of the completion of the  
Ryburn Reservoir or the Baitings Reservoir by this Act  
authorised whichever of those reservoirs shall be first  
constructed or the expiration of a period of fifteen years  
from the passing of this Act whichever shall first happen  
the Corporation may take from the River Ryburn  
any water they may require subject to the following  
restrictions:—

(a) They shall place a gauge weir across the said  
river at or near the site of the embankment of  
the Baitings Reservoir through an aperture in  
which seven hundred and six thousand gallons  
of water shall be allowed to pass and flow down  
the said river every day of twenty-four hours if  
and so long as the said river shall during the  
said twenty-four hours yield the said quantity  
of water;

(b) On any such day during such time as the flow of  
water in the said river shall be less than at the  
rate of seven hundred and six thousand gallons  
per day of twenty-four hours the Corporation  
shall not be entitled to take any water there-  
from but during such time as the flow is in  
excess of such rate the Corporation may take  
all or such part of the excess as they may  
require.

(2) After the Ryburn Reservoir is completed the  
following provisions shall apply:—

(a) The Corporation shall during every day of  
twenty-four hours discharge or deliver into the  
River Ryburn at a point therein situate not  
more than two hundred yards below the foot of  
the embankment of the Ryburn Reservoir not  
less than one million two hundred and ninety-  
eight thousand five hundred gallons of water in  
a continuous flow;

(b) For the purpose of measuring the quantity of water so to be discharged or delivered into the River Ryburn the Corporation shall erect and maintain a proper and suitable measuring gauge over or through which the said compensation water shall flow at a point on the said river below the said reservoir not more than two hundred yards from the foot of the embankment thereof and in such position that the compensation water may be delivered into the mill dam or goit of the mill belonging to the Ryburndale Paper Mill Company Limited which mill dam or goit is numbered 109 on the deposited plans for the parish of Soyland. A.D. 1924.

(3) If the Baitings Reservoir is completed before the Ryburn Reservoir the following provisions shall apply until the Ryburn Reservoir shall have been completed:—

(a) The Corporation shall during every day of twenty-four hours discharge or deliver into the River Ryburn at a point therein situate not more than two hundred yards below the foot of the embankment of the Baitings Reservoir not less than nine hundred and forty-eight thousand gallons of water in a continuous flow;

(b) For the purpose of measuring the quantity of water so to be discharged or delivered into the River Ryburn the Corporation shall erect and maintain at a point on the said river below the Baitings Reservoir not more than two hundred yards from the foot of the embankment thereof a proper and suitable measuring gauge over or through which the said compensation water shall flow.

(4) The gauges hereinbefore in this section referred to shall be self-recording and the Corporation shall keep at the town hall Wakefield records of such gauges. All weirs and measuring gauges and records shall at all reasonable times be open to the inspection of the West Riding of Yorkshire Rivers Board a representative of the Soyland Urban District Council and a representative of the majority of the owners of mills having riparian rights in the River Ryburn and the said rivers board

A.D. 1924. — and such representatives may take copies of or extracts from the said records.

(5) In case of any neglect on the part of the Corporation to maintain any weir or gauge in a state of efficiency and in case the said respective quantities of compensation water required to pass or flow over or through the said gauges shall not so flow the Corporation shall for every day on which default occurs forfeit and pay to the West Riding of Yorkshire Rivers Board (who may sue for and recover the same) the sum of twenty-five pounds and shall in addition forthwith make compensation to each person and corporate body affected thereby for any loss damage or injury sustained by each of such persons or corporate bodies or any of them.

(6) If any difference arises between the Corporation and the West Riding of Yorkshire Rivers Board or either of the before-mentioned representatives with respect to the construction or use of any weir or gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference.

(7) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the River Ryburn which the Corporation can divert collect impound or appropriate by means of the works by this Act authorised except in respect of any lands situate between (a) (if the Baitings Reservoir shall be completed before the Ryburn Reservoir and until the completion of the Ryburn Reservoir) the foot of the embankment of the Baitings Reservoir and the point of discharge of water into the river referred to in subsection (3) of this section or (b) (when the Ryburn Reservoir shall have been completed) the foot of the embankment of the Ryburn Reservoir and the point of discharge of water into the river referred to in subsection (2) of this section.

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

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

Accommodation for workmen employed on construction of works.

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

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

(2) The Corporation shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Health Insurance Acts 1911 to 1921 or otherwise.

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

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

(5) If at any time it appears to the said county council that the Corporation have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Corporation shall afford and maintain such accommodation as the said county council may require. Provided that if within fourteen days after the receipt of notice of any requirement of the said county council under this subsection the Corporation give notice to the said county council that they

A.D. 1924. — dispute the reasonableness of any such requirement the difference shall be determined by the Minister of Health on the application of either of the parties to the difference and the Minister of Health may make such requirements (if any) in variation of the requirements of the said county council as he may think fit.

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

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

(8) The Corporation shall pay to the Minister of Health any expenses incurred by him under this section including a sum not exceeding five guineas a day for the services of any inspector in connection with any local inquiry or investigation which he may consider necessary in the exercise of his powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

Works to form part of water undertaking.

**38.** Subject to the provisions of this Act the works by this Act authorised shall for all purposes be deemed part of the water undertaking of the Corporation.

Limiting powers of Corporation to abstract water.

**39.** The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

For protection of Soyland Urban District Council and for protection of Flints Reservoir.

**40.—(1)** The Corporation shall not construct any works cuts or ditches in the area north of the Halifax and Rochdale road between Upper Stansfield Hey and the western junction of Blue Ball Road with the Halifax and Rochdale road which will have the effect of diverting any waters directly or indirectly flowing to the Blackhouse Reservoir of the Soyland Urban District Council (in this section called "the council") Provided that



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the Corporation may for the purpose of the works authorised by this Act so long as no damage is done thereby to the said reservoir or to Flints Reservoir or to the water supplies of both or either of such reservoirs work and get clay stone and other material out of the lands on the southern side of their line of acquisition shown on the deposited plans and with the written consent of the council out of the lands in any other portion of the area mentioned in this section and the Corporation may erect huts and other buildings for the purpose of their works on the westerly side of New Inn between the Halifax and Rochdale road and Blue Ball Road.

(2) In the event of the sources of supply of the Blackhouse Reservoir or any of them being diminished after the Corporation have commenced the works by this Act authorised the Corporation shall (unless they can prove to the satisfaction of the council or on failing so to do to the satisfaction of an arbitrator to be appointed by the President of the Institution of Civil Engineers that such diminution is not due to their works) forthwith supply to the council free of cost into their Blackhouse Reservoir such a quantity of filtered water as shall be equivalent to the loss of water due to such works. In order that the extent of the diminution of water so sustained may be ascertained the council shall to the satisfaction of the Corporation prior to the Corporation commencing any works in the Ryburn Valley meter or otherwise measure and thereafter meter or otherwise measure the whole of the water taken from the Blackhouse Reservoir and the water supplies thereto and all surplus water discharged from such reservoir or passing over the weir overflow of the same and shall keep a weekly record thereof. The necessary apparatus and records shall be open to the inspection and use of the Corporation. The cost of providing and keeping in repair such apparatus for obtaining such records shall be borne by the Corporation.

In any arbitration under this subsection the provisions of the Arbitration Act 1889 shall apply.

(3) The Corporation shall from and after the expiration of twelve months' notice (if the then existing reservoir or reservoirs of the council and the supplies to such reservoir or reservoirs are insufficient for the needs of the council's district) from time to time supply to the

A.D. 1924. — council from the Baitings Reservoir such a quantity of water as will be sufficient with such reservoir or reservoirs and the supplies thereto of the council for the needs of the district of the council and to enable the council to carry out their obligations under agreements existing on the thirty-first day of December nineteen hundred and twenty-three to the Barkisland and Sowerby Urban District Councils. Failing agreement the price to be paid for such supplemental supply of water by the Corporation to the council shall be determined by an arbitrator nominated unless otherwise agreed by the President for the time being of the Institution of Civil Engineers and such arbitrator shall take into consideration in fixing the price the fact that the water to be supplied by the Corporation is obtained from the district of the council and shall give due effect thereto. Subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

(4) In case of any neglect or default of the Corporation in supplying water to the council and the Barkisland Urban District Council as in this Act mentioned or in case of any breach or breaches of any provisions of this Act affecting the council and/or the Barkisland Urban District Council and/or the proprietors of Flints Reservoir the Corporation shall for every day on which default occurs or the breach continues forfeit and pay to each of them the council the Barkisland Urban District Council and the proprietors of Flints Reservoir affected (who may sue for and recover the same) the sum of twenty-five pounds and shall in addition make full and adequate compensation to each of them the council the Barkisland Urban District Council and the proprietors of Flints Reservoir affected forthwith for any loss damage or injury sustained by each of them the council the Barkisland Urban District Council or the proprietors of Flints Reservoir or any of them.

(5) The Corporation shall not object to the council extending their reservoirs trenches culverts and headings or providing another reservoir or other reservoirs and other trenches culverts and headings or executing any works within the catchment area marked 150 acres on the 6-inch Ordnance map signed in duplicate by the town clerk of Wakefield and the clerk of the council and coloured yellow thereon.

(6) The Corporation shall not interfere with the water supplies to Flints Reservoir. A.D. 1924.

(7) Nothing in this Act contained shall take away alter lessen or prejudice any of the rights privileges and authorities now vested in or used or exercised by the council and the proprietors of Flints Reservoir but all such rights privileges and authorities may be had exercised and enjoyed as if this Act had not been passed.

41. The Corporation shall as from the first day of January nineteen hundred and forty-five if and so long as sufficient water for their needs is not supplied by the Soyland Urban District Council or their successors supply at cost price to the Barkisland Urban District Council from their Baitings Reservoir such quantity of water as with the water supplied by the Soyland Urban District Council or their successors will be sufficient for the needs of their district. For protection of Barkisland Urban District Council.

42.—(1) If in the opinion of the Corporation it shall be expedient in order to preserve the purity of the water which they are by the Acts and Orders relating to the Corporation (including this Act) authorised to take to prohibit the washing of sheep in any of the waters of the River Ryburn or its tributaries within the drainage areas of the reservoirs by this Act authorised the Corporation shall have power to prohibit such washing of sheep. Provided that before the Corporation carry this provision into effect in respect of any place where it has been the practice to wash sheep they shall give notice to the owners of and persons customarily using any such washing place by advertisement in a newspaper circulating in the district in which such washing place is situate and shall also provide and maintain in the nearest convenient and available situation on their own lands another suitable washing place and also a suitable folding place in the vicinity thereof. Sheep washing.

(2) Any person aggrieved by any prohibition issued by the Corporation under this section may within three months after the issue thereof appeal to a court of summary jurisdiction provided that he gives not less than fourteen days' notice of the appeal and of the grounds thereof to the Corporation.

(3) In the event of any such appeal the court shall have power to cancel the prohibition or to allow the same

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A.D. 1924. — unconditionally or subject to such conditions as to the area within which the same shall take effect or as to the provision and maintenance of another suitable washing place or otherwise as they may think fit and to award costs which costs shall be recoverable summarily as a civil debt.

Prevention  
of plumb-  
ism.

**43.** All water supplied by the Corporation to their consumers by means of the works by this Act authorised shall be properly and efficiently filtered or otherwise treated so as to prevent it acting on lead in such manner as to endanger the health of such consumers and if the Corporation make default under this section they shall be liable to a penalty not exceeding ten pounds for every day during which such default shall continue:

Provided that the provisions of this section shall not apply to any water supplied in bulk to any local authority to which the Corporation in pursuance of this Act are required to or by agreement supply in bulk unfiltered water.

For pro-  
tection of  
Ryburndale  
Paper Mills  
Company  
Limited.

**44.** For the protection of the Ryburndale Paper Mills Company Limited their successors and assigns (in this section called "the company") the following provisions shall unless otherwise agreed between the Corporation and the company apply and have effect:—

- (1) During the construction of Work No. 2 by this Act authorised and the portion of Work No. 7 by this Act authorised between the embankment of Work No. 1 and the premises known as Old Stones the Corporation shall pay to the company every week for the employment of a watchman the sum of two pounds ten shillings:
- (2) Before taking any of the waters of the River Ryburn above the company's Ryburndale Mill and until the completion of the Ryburn Reservoir by this Act authorised the Corporation shall construct in the stream known as Gilbert's Gulley a concrete tank with a capacity of one thousand five hundred gallons and the company shall be entitled to use for the purposes of their Ryburndale Mill all the water which can be obtained from Gilbert's Gulley by means of such tank:
- (3) The Corporation shall provide a tip for ashes for the purpose of the company's said mill at

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such point as the company may reasonably approve and the Corporation shall pay to the company at the end of every complete year after they shall have commenced to use the said tip the difference to them between the cost of carting ashes and mill refuse per load to the said tip in that year and the cost on the same basis of calculation in the last complete year of tipping ashes and mill refuse at the existing tip :

- (4) The Corporation shall provide in such position as the company may reasonably approve filter beds of sufficient capacity to filter the volume of effluent which can be filtered by the existing filter beds of the company and (if necessary) such further volume of effluent as would require to be filtered from the extension of the said mill at the date of the passing of this Act proposed to be constructed so that the effluent discharged into the river from the said filter beds shall be such as the West Riding Rivers Board may approve or alternatively at the option of the company (which option shall be reasonably exercised) the Corporation in lieu of the substituted filter beds shall at the expense of the Corporation provide a suitable filtration plant for dealing with the untreated effluent above referred to so that the effluent discharged into the river shall be such as the said board may approve and the Corporation shall pay to the company at the end of every complete year after they shall have commenced to use the filter beds or filtration plant so substituted the difference to them between the cost of using the existing filter beds and the cost of using the substituted filter beds or filtration plant except that in respect of the use of the substituted filter beds or filtration plant for effluent from the extension of the said mill the cost to which the company would have been put in filtering the same volume of effluent from the said extension in that year at the site of the existing filter beds (including the conveyance of the effluent thereto and the removal of solids therefrom) shall be deducted from the amount which the Corporation are to pay to the company in that year :



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- (5) If and so long as the Corporation use the road from Slithero Bridge to the Ryburn Reservoir they shall be liable for such a proportion of the total cost of the maintenance of the said part of the said road in any year as the number of tons of material conveyed by the Corporation along the said part of the said road in that year bear to the total tonnage of material conveyed along the said part of the said road in that year :
- (6) During the construction of Work No. 2 by this Act authorised the Corporation shall convey the water from the Bogden Clough and the surplus water in any one day in excess of the amount which they are authorised to extract from the River Ryburn during such construction on that day from points respectively on the upstream sides of the bridges over the Bogden Clough and the River Ryburn near the junction of the said streams across or through the works by this Act authorised and in course of construction into the company's mill dam at Ryburndale Mill by means of pipes or chutes and shall keep the water so conveyed free from any contamination or discoloration by the works of the Corporation :
- (7) The Corporation shall construct the gauge basin which they are required to construct below Work No. 2 by this Act authorised in such a position that the compensation water to be delivered under the provisions of the section of this Act of which the marginal note is " As to compensation water " may flow in such a manner that it can be diverted into the company's existing mill dam at Ryburndale Mill :
- (8) Upon the completion of the Ryburn Reservoir the Corporation shall construct in such position as may reasonably be approved by the company mechanical filters of sufficient capacity to filter such portion of the compensation water required to be delivered as aforesaid as may be required by the company for the purpose of paper making at their Ryburndale Mill ;

(9) If the Corporation shall acquire the lands of the company at Stansfield Hey upon which their existing pipe lines and tanks in connection with their sprinkler installation are situate the Corporation shall not interfere with the said pipe lines and tanks but shall reserve to the company the right of maintaining the same in their existing positions and of taking water from the said lands for the purpose of such pipe lines and tanks and the company shall be entitled at all reasonable times to go upon the said lands for the purpose of inspecting repairing and renewing the said pipe lines and tanks and of taking water from the said lands for the said purpose :

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(10) Any difference which may arise between the Corporation and the company with reference to the interpretation of the provisions of this section or anything to be done thereunder shall be referred to a single arbitrator to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference.

**45.** Article IV. (For protection of certain local authorities) of the Wakefield Order 1920 is hereby repealed.

Repeal of Article IV. of Wakefield Order 1920.

**46.—**(1) The agreements set forth or referred to in subsection (2) of this section shall be read and have effect from the thirty-first day of March nineteen hundred and twenty-five as if the rates therein mentioned were to be increased to cost price as ascertained and agreed from year to year between the Corporation and the respective parties to those agreements or as failing agreement may be determined by an arbitrator to be agreed upon by both parties or to be appointed failing agreement by the Minister of Health on the application of either party.

Amending agreements for supply of water.

(2) The agreements referred to in subsection (1) of this section are the following :—

The agreement made between the Corporation and the Altofts Urban District Council of the twenty-fifth October nineteen hundred and nine and any agreement supplementary thereto;

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The agreement made between the Corporation and the Castleford Urban District Council of the twenty-sixth October nineteen hundred and five and any agreement supplementary thereto;

The agreement made between the Corporation and the Normanton Urban District Council of the third December nineteen hundred and seven and any agreement supplementary thereto;

The agreement made between the Corporation and the Whitwood Urban District Council of the third April nineteen hundred and five and any agreement supplementary thereto.

(3) If within twelve months after the passing of this Act the Altofts Urban District Council the Castleford Urban District Council the Normanton Urban District Council or the Whitwood Urban District Council serve a notice in writing on the Corporation requiring the Corporation to supply the council serving such notice with water in bulk in perpetuity the Corporation shall supply to such council and such council shall take from the Corporation water in bulk in perpetuity upon the terms of the agreement or agreements with such council set out in subsection (2) of this section as amended by subsection (1) thereof and the said agreement or agreements as so amended shall continue in perpetuity instead of terminating on the day on which it or they would otherwise have terminated.

(4) If at any time after the passing of this Act there shall be any deficiency in the amount of water necessary to enable the Corporation to fulfil their obligations with regard to the supply of water the quantities of water to be supplied by the Corporation to any of the said councils serving such notice and in the city shall be reduced in the same proportion.

#### PART. IV.

##### CONSOLIDATION OF PARISHES.

Consolidation of parishes.

47.—(1) On the first day of April nineteen hundred and twenty-five (in this Part of this Act referred to as “the commencement of this Part of this Act”) the parishes of Wakefield Sandal Magna and Lupset shall be consolidated into one parish so as to form a new parish to be called the parish of Wakefield (in this Part of this Act referred to as “the parish”) and the parish shall

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be included in the Wakefield Union and all orders in force in that union shall be in force within and apply to the parish. Provided that for the purposes of all proceedings preliminary or relating to any election of guardians to be held on the ordinary day of election in the year nineteen hundred and twenty-five this Part of this Act shall operate from the date of the passing of this Act.

(2) Subject to the provisions of section 60 of the Local Government Act 1894 the parish shall be divided into three wards for the purpose of the election of guardians. The said three wards shall have respectively the names set out in the first column of the following table and shall comprise respectively the areas set out in the second column of that table and the electors of the said three wards shall elect respectively the numbers of guardians set out in the third column of the said table.

1	2	3
Ward Name.	Ward Area.	Guardians.
South	The areas of the wards for municipal elections known as Belle Vue Sandal and Calder.	4
North	The areas of the wards for municipal elections known as St. Johns Northgate Eastmoor and Primrose Hill.	5
West	The areas of the wards for municipal elections known as Kirkgate North Westgate South Westgate and Alverthorpe.	5

(3) The persons who represent as guardians the existing parishes or wards of parishes immediately before the commencement of this Part of this Act shall continue to hold office as guardians until the date on which they would have retired from office but for the operation of this Act.

(4) Subject to the provisions of this Act and of the enactments applied thereby as to adjustments all property (other than such as may be held for charitable or ecclesiastical purposes and other than cash balances) and all debts and liabilities of the existing parishes of Wakefield Sandal Magna and Lupset including in such property any property held under any trust for any of such parishes (in this Act referred to collectively as

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A.D. 1924. "the existing parishes") or for the inhabitants or parishioners thereof shall become the property debts and liabilities of the parish and in case of property held in trust as aforesaid shall be held in trust for the parish or for the inhabitants or parishioners thereof for the same purpose as heretofore.

(5) All arrears of rates made by the overseers of the existing parishes respectively which on the commencement of this Part of this Act are due or owing in respect of hereditaments in those parishes shall be collected and recovered by the overseers of the parish and the same when collected and recovered and all cash balances in the hands of the overseers of the existing parishes shall be applied (so far as may be necessary) towards the discharge of any precept or order in respect of expenses incurred before that date and which are in force at that date and are not satisfied and (subject to the foregoing) all balances and any other moneys in the hands of the overseers of the existing parishes on the same date shall be handed over by them to the overseers of the parish.

(6) All rate books books of account minutes of proceedings deeds papers and writings belonging to the existing parishes shall be deposited at the town clerk's office in the city or at some office or place appointed by the Corporation and be there kept and preserved by the town clerk or some officer to be appointed by the Corporation and the ratepayers shall at all times have the same right of inspecting and making extracts from such books and minutes as they would have had if they had continued to be ratepayers of the existing parishes.

(7) All valuation lists in relation to hereditaments and premises in the existing parishes and in force on the appointed day shall until new valuation lists are made be and be deemed to be part of the valuation list for the parish.

(8) All precepts and orders for moneys to be raised by way of rates in the city for any period ending on any date after the commencement of this Part of this Act shall not be served until that date and shall then be served upon the overseers of the parish.

(9) Notice of the provisions of this section shall be given by the Corporation to the overseers of the three parishes in question and to the county council for the west riding of Yorkshire and to the guardians of the Wakefield Union.



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Council to  
be over-  
seers.

48.—(1) (a) Notwithstanding anything to the contrary contained in any Act or Order from and after the commencement of this Part of this Act the council shall be the overseers of the parish and all powers duties and liabilities exercisable by or attaching to overseers shall be exercisable by and extend and apply to the council acting as overseers :

Provided that—

- (i) Any person designated by the Corporation as hereinafter mentioned to perform duties in relation to the preparation of the jurors' book and the register of electors shall have the powers and duties and be subject to the liabilities of overseers under the enactments relating to these subjects;
- (ii) In the application to the parish of section 54 of the Poor Law Amendment Act 1834 the said section shall be read and construed as if for the references therein to any overseer there were substituted references to any guardian representing any ward of the parish;
- (iii) In the application to the parish of sections 13 to 16 and section 20 of the Lunacy Act 1890 and section 2 of the Lunacy Act 1891 the said sections shall be read and construed as if references therein to an overseer had been omitted therefrom;
- (iv) The town clerk shall have the powers and duties and be subject to the liabilities of an overseer or overseers with respect to the matters specified in the schedule to this Act and any other powers and duties of an overseer or overseers with respect to matters similar in character to the matters specified in the said schedule which may be transferred to the town clerk by order of the Minister of Health who is hereby empowered to make any such order accordingly.

(b) The overseers of the existing parishes shall go out of office at the commencement of this Part of this Act.

(c) Separate accounts shall be kept of the transactions of the council acting as overseers and the enact-

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A.D. 1924. — ments relating to the audit of the accounts of overseers shall apply to such separate accounts.

(2) (a) After the thirty-first day of March nineteen hundred and twenty-five every precept issued by the guardians of the Wakefield Union for the purpose of obtaining money which is ultimately to be raised by the council acting as overseers out of the consolidated rate shall be sent to the council at their office addressed to the council or the town clerk.

(b) Any document required to be signed by the overseers may be signed by the town clerk.

(3) References in any Act to the overseers of the parish shall be construed as references to the council and the legal interest in all property vested in the overseers of any of the existing parishes (other than property connected with the affairs of the Church or held for an ecclesiastical charity within the meaning of the Local Government Act 1894) shall vest in the council.

(4) Where the overseers of any of the existing parishes as such are either alone or jointly with any other persons trustees of any parochial charity such number of members of the council or other persons not exceeding the number of the overseer trustees as the council may appoint shall be trustees in their place. Every person so appointed shall be resident or carry on business in the area for the benefit of which the charity exists.

Transfer to Corporation of powers of vestry.

49. As from the commencement of this Part of this Act all and every right custom privilege or power other than in matters ecclesiastical vested in or exerciseable by the parishioners ratepayers or inhabitants in vestry assembled of the parish shall cease to be so vested or exerciseable and every such right custom privilege or power shall for and within the parish be vested in and exerciseable by the Corporation.

Appointment of assistant overseers and other officers.

50.—(1) Subject to the provisions of any order which the Minister of Health may hereafter make the provisions of the orders heretofore made by the Local Government Board and conferring upon the council the power of appointing and revoking the appointment of assistant overseers of the existing parishes shall extend and apply to the appointment by the council and revocation of the appointment by the council of assistant overseers of the parish.

(2) The council may appoint and remove such officers as they deem necessary to assist in the discharge of the duties of overseers and may fix the remuneration to be paid to such officers. A.D. 1924.

(3) The registration officer may before the preparation of the autumn register in any year require the Corporation to designate one or more of the assistant overseers or other officers appointed under this section to perform the duties of overseers in relation to the preparation of the jurors' book and register of electors in that year and the Corporation shall forthwith comply with any such requirement of the registration officer. The remuneration of or expenses incurred by any such officer in respect of the performance of such duties shall continue to be payable in accordance with the provisions of the enactments relating to these subjects.

(4) (a) Any assistant overseer appointed by the council and all officers appointed or to be appointed by the council to assist in the discharge of the duties of overseers shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Minister of Health shall report thereon annually to the Corporation and such securities shall be deposited with the Corporation and not with the board of guardians.

(b) Assistant overseers appointed by the council shall not be required to give security to the guardians of the Wakefield Union under section 61 of the Poor Law Amendment Act 1844.

(5) Any person holding at the commencement of this Part of this Act the office of assistant overseer for any of the existing parishes shall after the commencement of this Part of this Act hold and perform the duties of the office of assistant overseer of the parish. The remuneration to which at the commencement of this Part of this Act any such assistant overseer is entitled for performing the duties of his office shall be paid out of the poor rates of the parish and any such assistant overseer shall continue to hold office by the same tenure and upon the same terms and conditions as heretofore and while performing the same duties shall receive as salary other than remuneration of the nature of war bonus not less remuneration than heretofore. Any remuneration of the

A.D. 1924. nature of war bonus shall be subject to the same conditions relating to increase or decrease of bonus as those to which it is subject at the passing of this Act.

(6) Nothing in this Act shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment which is now applicable for the benefit of any of the existing parishes affected by this Act except as expressly provided by subsection (4) of the section of this Act of which the marginal note is " Council to be overseers."

(7) Nothing in this Act shall affect land tax and for the purposes of imperial taxes or duties other than land tax the provisions of the section of this Act of which the marginal note is " Consolidation of parishes " shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B or for the purpose of inhabited house duty for the preceding year is taken as the annual value of that property for the same purpose for that year.

Settlement  
and removal  
of poor.

**51.** For any purposes connected with the settlement and removal of the poor in relation to cases affected by this Act the following provisions shall have effect (that is to say) :—

Every person who at the commencement of this Part of this Act has acquired or is in the course of acquiring a settlement in any of the existing parishes by reason of any residence completed or in course of completion or of any act or thing done or in course of being done or of any status condition right or privilege acquired or created or in course of acquirement or creation in any of the existing parishes shall be deemed to have acquired or to be in course of acquiring a settlement in the parish.

As to pre-  
paration of  
Autumn  
Register  
1924 and  
Spring Re-  
gister 1925.

**52.** In the preparation of the Autumn Register 1924 and Spring Register 1925 so far as relates to any area affected by this Part of this Act it shall be competent to the registration officer to frame the registers in separate parts for each area which will constitute a registration unit after the commencement of this Part

of this Act instead of in separate parts for each area constituting a registration unit before the commencement of this Part of this Act.

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**53.** Notwithstanding the alterations effected in the existing parishes by this Act and subject to the foregoing provisions of this Act all contribution orders made by the guardians of the Wakefield Union before the commencement of this Part of this Act shall be as valid in law as if this Act had not been passed.

Saving for contribution orders and precepts.

**54.** Nothing in this Act shall be deemed to restrict any power conferred upon the Minister of Health by any Act of Parliament relating to the relief of the poor and passed before the commencement of this Part of this Act.

Saving for Minister of Health.

**55.** Notwithstanding anything contained in this Act section 12 (Differential consolidated rate in certain cases) of the Wakefield Corporation Act 1923 shall remain in full force and effect.

As to differential rating.

## PART V.

### STREETS AND BUILDINGS.

**56.**—(1) As from the passing of this Act the following provisions of the Act of 1877 and of the Wakefield Corporation Act 1887 are hereby repealed and shall cease to have any effect or application within the city but without prejudice to anything done or suffered to be done thereunder respectively prior to the date of such repeal:—

Repeal of certain provisions of local Acts.

Of the Act of 1877—

- Section 41 (No buildings allowed until streets laid out);
- Section 56 (Alteration of buildings);
- Section 59 (Buildings unfit for human habitation);
- Section 60 (Certificate of fitness of new houses for habitation);
- Section 67 (Period for commencement of streets and buildings after plans passed);
- Section 68 (Regulations as to vaults);
- Section 69 (Prevention of lock-up shops and other places of business being improperly used for purposes of habitation).



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Of the Wakefield Corporation Act 1887—

Section 47 (Definition of new buildings).

(2) As from the date upon which the Minister of Health shall sanction byelaws under the provisions of the Public Health Act 1875 or any other Act with regard to the matters referred to in the following sections those sections shall be repealed and shall cease to have any effect or application within the city but without prejudice to anything done or suffered to be done thereunder respectively prior to the date of such repeal.

(3) The sections above referred to are:—

Of the Wakefield Order (Confirmation) Act 1853  
(16 Vict. cap. 24)—

So much of article 12 as incorporates sections  
109 110 and 111 of the Towns  
Improvement Clauses Act 1847.

Of the Act of 1877—

- Section 35 (Width of new streets);
- Section 37 (Modification of width of new streets in certain cases);
- Section 38 (Definition of width of streets);
- Section 39 (Entrances to and continuation &c. of new streets);
- Section 40 (Gradients and connections with adjoining streets);
- Section 42 (Power to vary direction level &c. of new streets);
- Section 43 (Surveyor to specify depth &c. of sewers);
- Section 45 (Approval of mode of construction of streets and sewers);
- Section 47 (Levels of new dwelling-houses and construction of cellars);
- Section 48 (Space about buildings);
- Section 49 (As to buildings not dwelling-houses);
- Section 50 (Space not to be built upon);
- Section 51 (Windows);
- Section 52 (Special ventilation of small rooms);
- Section 58 (Situation of waterclosets &c.).

Of the Wakefield Corporation Act 1887—

Section 48 (Nature of plans);

Section 49 (This Part of Act not to apply to A.D. 1924.  
Crown buildings and partial  
exemption of railway build-  
ings).

57. Section 36 (Power to prescribe greater width than specified) of the Act of 1877 shall be read and have effect as if the words "prescribed by any byelaws in force with respect to new streets" were substituted for the words "prescribed by this Act." Amend-  
ment of  
section 36  
of Act  
of 1877.

58.—(1) No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof. No building  
allowed  
until street  
defined.

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

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

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

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

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

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

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

Continuation  
of existing  
street to be  
deemed new  
street.

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

Power to  
define  
future  
line of  
existing  
streets.

**61.—**(1) Where any street or road repairable by the inhabitants at large in the city 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 in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. 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 the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation

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formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the street or road and 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 in manner provided by the Acquisition of Land (Assessment of Compensation) Act 1919 Provided that the Corporation shall not be required by any owner to purchase any land under the provisions of this section until a building shall have been erected on the land immediately behind the land to be purchased.

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

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

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

Adjust-  
ment of  
boundaries.

**62.**—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new streets to be constructed are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister of Health and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement may be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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

(3) Any lands or moneys received by any person in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any)



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

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

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

Exchange  
of parts of  
streets  
disused.

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

As to  
erection of  
buildings  
at street  
corners.

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—

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

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

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

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

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

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

(2) If the placing or erection of such hoarding or fence would constitute a danger to the traffic in the streets of the city upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any

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

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

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

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

**66.** 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.

**67.**—(1) All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation acquires a frontage to a street shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the

Elevation  
of buildings  
erected on  
front lands  
to require  
approval.

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A.D. 1924. making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the door or entrance of the building wall or fence in a line and the elevation of the building wall or fence fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of four weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof.

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

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

Certificate  
of fitness  
of new  
houses.

68.—(1) No new building shall be occupied as a dwelling-house until the surveyor shall have certified in writing after examination of the building that the requirements of every Act Order or byelaw in force in the city with reference to dwelling-houses have been complied with but if the surveyor shall for seven days after the service upon him of any request for such a certificate neglect or fail to give the same such building may be so occupied.

(2) Any person who shall let or permit to be occupied or being the owner shall occupy any new building or part of any new building as a dwelling-house or part of a dwelling-house before a certificate as required by this section has been given in respect of such new building or after such a certificate in respect of such new building has been refused shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Courts to  
be flagged  
and  
drained.

69.—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall if so required by the Corporation flag asphalt concrete or pave such court yard or passage or any part

thereof and make a drain through or along the same and provide gullies and grids in suitable positions and at proper levels and keep such flagging asphaltting concreting or paving and drain gullies and grids in good repair. Provided that the expression "court or yard or passage" shall not include a garden or a disused garden.

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

70.—(1) Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street.

Forecourts  
to be  
fenced off  
from  
streets.

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

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

As to  
dangerous  
buildings.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or



A.D. 1924. alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the city.

Erection of bridges.

72. All bridges (other than bridges which the inhabitants are by law liable to maintain and repair and other than bridges authorised to be made by any railway company) hereafter erected which form a continuation of any street laid out or to be laid out in accordance with the byelaws relating to new streets and the approaches to such bridges shall be of such width and gradients as the Corporation approve and shall be built in accordance with specifications plans and sections to be submitted to and approved by the Corporation and it shall not be lawful to erect any such bridge except in accordance with the provisions of this section and any person acting in contravention of such provisions shall be liable to a penalty not exceeding twenty pounds and the Corporation may remove alter or pull down any work begun or done in contravention of this section and recover the expenses incurred by them in so doing from such person.

Street orderly bins.

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

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

Lopping of trees overhanging highways.

74.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the

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premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within fourteen days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the cost of so doing from the owner or occupier upon whom the notice was served.

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

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

For preventing water flowing on footpath.

76. The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon any private street communicating with any public street shall so fence off channel or embank their lands as to prevent soil sand clay cinders or other like substances from such lands from falling upon or being washed or carried into any public street or sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully. Provided that in the event of an offence being committed under this section the Corporation shall give to the owners or occupiers fourteen days' notice in writing requiring them to comply with the provisions of this section and any person offending against this section after the expiration of such notice as

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

A.D. 1924.

aforsaid shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

For the purposes of this section "public street" means so much of a street repairable by the inhabitants at large as is sewered and "private street" means a street not so repairable :

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

Restriction on erection of temporary stands &c.

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

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

Larders to be provided.

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

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

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

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

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

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

Area of habitable rooms.

**80.**—(1) Section 157 of the Public Health Act 1875 in its application to the city shall be altered and construed as if the following sub-paragraphs were added immediately after the sub-paragraph numbered (4) in the said section :—

Amendment of section 157 of Public Health Act 1875.

(5) For requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for security stability and the prevention of fire and for purposes of health;

(6) For securing the adequate lighting of buildings.

(2) The said section 157 shall also in its application to the city be read and have effect as if it empowered the Corporation to require by byelaws the deposit of plans and sections by persons intending to construct reconstruct or alter the course of any drain in connection with a building.

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

Saving for railway companies.

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

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As to repair of hoardings;  
Forecourts to be fenced off from streets;  
Lopping of trees overhanging highways;  
For preventing water flowing on footpath; and  
For preventing soil &c. from being washed into  
streets;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company and used for the purposes (other than for a dwelling-house) of their undertaking with the authority of Parliament.

## PART VI.

### SEWERS DRAINS AND WATERCOURSES.

Separate  
sewers  
for sewage  
and surface  
water.

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

(2) The Corporation may also from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only.

(3) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers.

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

(5) Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof would but for the passing of this Act have been sufficient effectually to



drain such house or premises the Corporation shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and no penalty shall be incurred under this section in the case of such house or premises until the completion of such alterations as aforesaid.

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**83.** If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street or the lands draining thereto the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Power to require specially enlarged sewer in new street.

**84.—(1)** If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section.

Corporation may order houses to be drained by a combined drain.

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

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

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(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a petty sessional court provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof. On any such appeal the petty sessional court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

Provision  
in lieu of  
section 19  
of Public  
Health  
Acts  
Amend-  
ment Act  
1890.

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

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

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

Corporation  
to make  
communi-  
cations  
between  
private  
drains and

**86.** If the owner or occupier of any premises desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation with which he is entitled to have such sewer or drain made to communicate such communication may be made by the Corporation upon the cost or estimated cost of making

the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

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their  
sewers on  
payment.

87.—(1) Every person who wilfully or negligently turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any petroleum spirit or carbide of calcium from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Prohibiting  
entry of  
petroleum  
spirit &c.  
into sewers.

(2) In this section the expression "petroleum spirit" means such crude petroleum oil made from petroleum coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum as when tested in manner set forth in Schedule 1 to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

88. Where any person has been convicted of causing any drain to be constructed in contravention of section 25 of the Public Health Act 1875 the court may in addition to imposing a penalty under that section order that the drain shall be laid re-laid or amended or re-made as the case may require in accordance with the provisions of that section and if such person shall not comply with the order within one month after the date thereof the Corporation may cause the drain in respect of which such conviction has been obtained to be laid re-laid or amended or re-made as the case may require and may recover from such person the expenses incurred by them in so doing.

Power to  
reconstruct  
drain if laid  
in contra-  
vention of  
Public  
Health Act  
1875.

89.—(1) The Corporation may require that the pipe from any sink trough slopstone bath or basin in a building erected before the passing of this Act shall be altered so as to conform with the byelaws for the time being in force with respect to the drainage of existing buildings.

Pipes from  
slopstones  
&c. to be  
discon-  
nected from  
sewer.

(2) Any person neglecting or refusing for a period of twenty-eight days or upwards to comply with a notice from the Corporation requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

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Soil pipes to  
be venti-  
lated.

**90.**—(1) The soil pipe of any watercloset shall be properly ventilated and if the same be within a house or building by means of a pipe carried up therefrom not less than two feet above the eaves of the house or building and of any adjoining house or building or (subject to the provisions of section 37 (Water or stack pipe not to be used as ventilating shaft) of the Public Health Acts Amendment Act 1907) by such other method as the Corporation shall direct.

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

Power to  
require cul-  
verting of  
water-  
courses on  
building  
land.

**91.**—(1) If any watercourse or ditch situate upon any land laid out for building or on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner or owners of such land to substitute for such watercourse or ditch a pipe drain or culvert with all necessary gullies pipes and means of conveying surface water thereinto:

Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partly belonging to any person other than the owner of the land so laid out for building.

(2) Any person who fails to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Owners to  
repair and  
cleanse  
culverts.

**92.**—(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 the Corporation by the owner.

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

**93.** Every person who throws deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the city so as to interfere with the due flow of water in any such stream or brook shall be liable to a penalty not exceeding forty shillings.

Penalty for throwing rubbish into streams.

**94.—(1)** It shall not be lawful to culvert cover over stop up obstruct or divert any stream or watercourse except in accordance with plans and sections to be submitted to and approved by the Corporation such approval not to be unreasonably withheld or delayed and any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings:

Streams not to be covered over obstructed or diverted except in accordance with plans.

Provided that—

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

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

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed under this section such difference shall be referred to arbitration.



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(3) Nothing in this section contained shall apply to any culvert or covering constructed or to be constructed by a railway company under any Act of Parliament but before constructing any such culvert or covering the railway company shall give to the Corporation information of the works proposed to be constructed.

Restrictions  
as to build-  
ings &c.  
over  
streams.

95.—(1) Except in the exercise of statutory powers in that behalf no person shall at any time hereafter erect construct or place or cause or permit to be erected constructed or placed in or directly over the waterway or bed of any stream any building structure erection bridge arch culvert pipe or other work or thing (in this section referred to collectively as "works" or "work") which will or may have the effect of reducing the waterway or bed of such stream or of interfering with the free passage of water along such stream or reconstruct or alter any work erected constructed or placed in or directly over the waterway or bed of any stream before or after the commencement of this Act in such manner that such reconstruction or alteration will have any such effect except in each case in accordance with plans sections and particulars previously approved by the Corporation or by an arbitrator appointed as in this section provided.

(2) If the Corporation shall not within six weeks after the delivery of the plans sections and particulars signify in writing their approval or disapproval of any intended work or of the re-construction or alteration of any existing work as the case may be to the person having delivered such plans sections and particulars with in the case of disapproval their reasons for such disapproval they shall be deemed to have approved the said plans sections and particulars.

(3) The Corporation may attach to their approval any condition which they may deem proper.

(4) If the Corporation disapprove of the plans sections and particulars or if any difference shall arise as to the reasonableness of any condition which the Corporation may attach to their approval the plans sections and particulars or any such difference shall be referred to an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of the person on whose behalf the plans sections and particulars were submitted or of the Corporation and any such arbitrator shall determine such

difference and may approve the said plans sections and particulars with or without modifications or disapprove the same as he shall determine.

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(5) If any such work or the re-construction or alteration of any such existing work is commenced or completed without such approval of the Corporation or of an arbitrator as is required by this section or in any respect otherwise than in conformity therewith or with any condition attached to such approval the person who commenced or completed the same or caused or permitted the same to be commenced or completed shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings and on conviction of any person under this section the court may make such order with regard to the removal reinstatement or modification of the work as in the circumstances of the case the court may think fit and in default of compliance with such order by the person to whom the same is directed the Corporation may (without prejudice to the liability to any such penalties or to any other remedy or proceeding) cause such work to be pulled down and removed or reinstated as the case may be and any expense incurred by them in or about the pulling down and removal or reinstatement of the work may be recovered from the person to whom the said order of the court is directed.

(6) Nothing in this section contained shall be deemed to affect the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1922.

## PART VII.

### INFECTIOUS DISEASE AND SANITARY MATTERS.

96.—(1) For the purposes of this Part of this Act—

(a) the expression “infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the city and for the purposes of the sections of this Act of which the marginal notes are “Power to close Sunday schools to prevent spread of disease” “&c.” and “Restriction on attendance of children at Sunday schools and places of

Definitions  
for purposes  
of this Part  
of Act.

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“ assembly when infectious disease prevails ”  
respectively the said expression also includes  
measles German measles whooping cough  
chicken pox and influenza;

(b) the expression “ child ” means a person  
under the age of fourteen years.

(2) For the purposes of the sections of which the  
marginal notes respectively are “ Power to close Sunday  
schools to prevent spread of disease &c.” and “ Restric-  
“ tion on attendance of children at Sunday schools and  
“ places of assembly when infectious disease prevails ”  
the expression “ Sunday school ” means any school in  
which children are assembled for instruction on a Sunday  
or specially for religious instruction whether or not on a  
Sunday.

Power to  
close Sun-  
day schools  
to prevent  
spread of  
disease &c.

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

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

Restriction  
on attend-  
ance of  
children at  
Sunday  
schools and  
places of  
assembly  
when infec-  
tious disease  
prevails.

98.—(1) No person being the parent or having the  
care or charge of a child who is or has been attending  
any school or any part thereof which for the time being  
is closed by order of the Corporation or of the education  
committee of the council with the view of preventing the  
spread of infectious disease or of a child who is suffering  
from an infectious disease or who with the view of pre-  
venting the spread of infectious disease has been  
prohibited from attending school by the medical officer  
or school medical officer shall permit such child to attend  
any Sunday school or place of public entertainment or  
assembly in the city without having procured from the  
medical officer a certificate (which if granted shall be

granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

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

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

**100.**—(1) Section 69 of the Public Health Act Amendment Act 1907 shall in its application to the city be read as if the words "if that person is newly registered after the commencement of this section" were omitted from subsection (2) of the said section.

Further provisions as to registration of common lodging-houses.

(2) Notwithstanding anything in the Public Health Acts 1875 to 1907 the registration of a common lodging-house whether registered before or after the passing of this Act shall remain in force only for such time not exceeding one year as may be fixed by the Corporation but may be renewed from time to time by the Corporation.

(3) Within one month after the passing of this Act the Corporation shall give notice of the provisions of this section to the keeper of every registered common lodging-house in the city.

**101.** Whenever the medical officer shall report in writing to the Corporation or to a committee of the council that there is a prevalence of infectious disease in the city or in any adjoining or neighbouring borough or district and that there are reasonable grounds to

Medical inspection of inmates of common lodging-houses &c.

[Ch. lxxi.] *Wakefield Corporation* [14 & 15 GEO. 5.]  
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—  
when infectious disease  
prevails.

apprehend the spread or communication of such disease to persons within the city by persons resorting to common lodging-houses the Corporation or such committee as aforesaid may by resolution declare that by reason of the prevalence of the infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the city for such period as the Corporation or such committee as aforesaid having regard to the circumstances of the case shall in the resolution determine (that is to say):—

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



**102.** If any person shall at the request of the Corporation stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

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Compensation to persons ceasing employment.

**103.** 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.

For preventing contact with body of person who has died of infectious disease.

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

Names of laundrymen to be furnished.

**(2)** Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

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

Removal of person suffering from pulmonary tuberculosis to hospital.

A.D. 1924: detention and maintenance of such persons therein subject to the consent of the superintending body of such hospital or place and subject to the like consent for such period not exceeding three months as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

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

(3) (i) Where—

(a) any person suffering as aforesaid is removed to any such hospital or place as aforesaid under an order made under this section; or

(b) any person resident in the city and suffering as aforesaid voluntarily goes for treatment to any hospital or place for the reception of the sick

the Corporation may if they think fit and if satisfied that the necessities of the case so require make payments for or towards the maintenance of any relative of or person actually dependent on the person so suffering.

(ii) On the hearing of any application under this section the court shall take into consideration the amount necessary for such maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependents.

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

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a

rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

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**106.**—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van or similar structure used for human habitation) or any part thereof would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or such part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice.

Disinfection  
in case of  
tuberculosis.

If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if so having informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer :

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

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

(c) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out

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the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

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

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

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

Power to prohibit persons in advanced stage of tuberculosis from handling &c. food.

**107.**—(1) If the medical officer shall certify that any person is suffering from pulmonary tuberculosis in an advanced stage and that he is employed in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so.

(3) If such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

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

As to filthy premises.

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

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

Houses infested with vermin to be cleansed.

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

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for



A.D. 1924. every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

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

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

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

Cleansing of children and their clothing.

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

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

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

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

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter to his usual or last known residence. In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of the child whose person or clothing requires to be cleansed.

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

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

(a) causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render

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

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- such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (b) in the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
  - (c) omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer;

shall be liable for every such offence to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

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

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity for the purpose of

inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or stand in or on which the same are offered for sale as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or refusing inspection of the materials or commodities or articles of food therein or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

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

Sanitary regulations for premises used for sale &c. of food for human consumption.

(a) Any such room or shop shall be properly ventilated to the reasonable satisfaction of the medical officer;

(b) No urinal watercloset earthcloset privy ashpit or other like sanitary convenience shall be within such room or shop or shall communicate therewith except through the open air or through an intervening ventilated space;

(c) No drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within such room shop or other part of the building;

(d) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of the building except so far as may be reasonably necessary for the proper carrying on of the trade or business;

(e) Due cleanliness shall be observed in regard to such room shop or other part of the building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of the building.

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

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(3) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of the building wherein any of the conditions prohibited by this section exists or does or knowingly permits any act or thing therein in contravention of this section or obstructs the medical officer or sanitary inspector from exercising his powers of inspection thereunder he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

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

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

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

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

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

The word " food " in this section shall include every article used for food or drink by man other than drugs or water and any article which ordinarily enters into or is used in the composition or preparation of human food and shall also include flavouring matters and condiments.

Byelaws for places used for preparation of food.

**114.** The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in



the manufacture preparation, storage transport or exposure for sale of any article intended to be sold for the food of man :

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Provided that before making any such byelaw applicable to the transport of any article by the London and North Eastern Railway Company or the London Midland and Scottish Railway Company or to or from any railway station or depôt of either of such companies the Corporation shall give not less than one month's notice to the company affected of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and such company shall be entitled to make representations to the Minister of Health with regard thereto :

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

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

Entry on premises used for storage of food.

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

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

Penalty on  
original  
vendor of  
unsound  
food.

**116.**—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for the food of man (the proof that the same was not sold for the food of man resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition.

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

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

before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

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**117.** Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any article of food intended for sale or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly.

Further powers in relation to unsound meat.

**118.** 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 as amended by section 28 of the Public Health Acts Amendment Act 1890 in the same manner as the medical officer or the sanitary inspector and the Public Health Acts shall apply within the city 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.

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

Prohibition of blowing or inflating carcasses.

**120.—(1)** Any person who in the manufacture storage or preparation for sale of sausages pressed or pickled meat or other similar commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination shall be liable for every such offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to contamination of sausages and other foods.

**(2)** No person shall be convicted of an offence under this section unless before the commission of the offence with which he is charged he shall have had written notice

A.D. 1924. — that such an act or thing as the one complained of is an offence against this section.

Byelaws as to inspection of meat.

**121.**—(1) The Corporation may make and enforce byelaws (*a*) for preventing meat (other than meat which has been inspected and passed as fit for the food of man by a medical officer of health or a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of the district in which the animal has been slaughtered) or any part of the carcase of an animal brought into the city and intended for the food of man from being used for the food of man or being offered for sale or sold or deposited for sale or for the preparation for sale until after inspection by an officer of the Corporation (*b*) for preventing the removal of any carcase or any part thereof from any slaughter-house in the city until after such inspection as aforesaid and (*c*) for requiring notice of the slaughtering of any animal suffering from accidental injury or illness to be given to the medical officer by the person responsible for such slaughter.

(2) Provided that any byelaw made by the Corporation for the purposes (*a*) or (*b*) mentioned in subsection (1) of this section shall provide (i) that any person bringing any meat or any part of the carcase of an animal into the city or intending to slaughter any animal at any slaughter-house shall give to the medical officer reasonable notice in writing of the day and hour and place in the city on and at which the meat or any part of the carcase can be inspected as aforesaid or on and at which the slaughtering is intended to take place as the case may be and (ii) that if within such reasonable period after the notified hour as may with due regard to the requirements of the trade be prescribed by the byelaw an officer of the Corporation shall not have attended at the place so notified for the purpose of inspection the restriction in subsection (1) of this section referred to shall not apply to the meat or any part of the carcase in respect of which the notice was given.

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section the Corporation may enter any slaughter-house which is situate outside the city but within a radius of six miles from the town hall for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the city.

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(4) Before making any such byelaws the Corporation shall give not less than one month's notice to the Wakefield Master Butchers Association of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association thereon before they submit them to the Minister of Health for confirmation and such association shall be entitled to make representations to the Minister of Health with regard thereto.

(5) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1922 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

(6) Nothing contained in this section or in any byelaw to be made thereunder shall apply to a railway company.

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

Discon-  
tinuance of  
offensive  
trade.

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

(2) Any person who fails or neglects to comply with 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 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



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

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

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

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

- (a) it is removed from one set of premises to any other premises; or
- (b) it is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or
- (c) any premises on which it is for the time being carried on are enlarged;

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

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

A.D. 1924.  
Power to  
order altera-  
tion of  
chimneys.

**125.—(1)** The Corporation may prescribe the size and materials of ashbins for use within the city and any ashbin required by the Corporation to be provided by the owner or occupier of any premises shall be of the size and materials so prescribed.

Regulation  
ashbins.

(2) In any case in which an ashbin already provided by the owner or occupier of any premises is not of the size and materials prescribed as aforesaid and in any case in which an ashpit or other receptacle for refuse not being an ashbin of the size and materials prescribed as aforesaid is in use in connection with any premises the Corporation may either—

(a) themselves at the cost of the owner or occupier of the premises in connection with which such ashbin was provided or an ashpit or other receptacle not being a prescribed ashbin is in use provide or supply; or

(b) require such owner or occupier to substitute for such ashbin ashpit or other receptacle an ashbin of such size and materials as aforesaid.

(3) The Corporation shall give to the owner of any existing ashbin or other receptacle (not being an ashpit) which shall be replaced under the provisions of this section and which but for the prescription of the Corporation would have been a sufficient and suitable

A.D. 1924. receptacle for refuse credit for the value of such existing ashbin or other receptacle.

(4) Except as hereinafter provided the owners or occupiers of all premises in connection with which an ashbin of the size and materials prescribed by the Corporation has been provided shall pay to the Corporation on each first day of April after such provision such sum not exceeding five shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such ashbin. Such payment shall be in satisfaction of the obligation of such owners or occupiers in regard to such maintenance repair and renewal.

(5) Any ashbin which may be substituted by the Corporation for an ashpit which is in use at the passing of this Act and but for the prescription of the Corporation would have been a sufficient and suitable receptacle for refuse shall be maintained by the Corporation free of expense for a period of five years from the passing of this Act to the owner and occupier of the premises in connection with which such ashpit was used.

Medical practitioners to notify cases of food poisoning.

**126.**—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Corporation shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

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

**127.**—(1) Public notice of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and by a notice affixed outside the town hall and by the distribution of handbills amongst

persons affected or likely to be affected so far as such persons can reasonably be ascertained. A.D. 1924.

(2) The production of copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an officer or servant of the Corporation that the notice required by this section has been affixed outside the town hall and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

## PART VIII.

### PARKS AND RECREATION GROUNDS.

**128.** The Corporation subject to the approval of the Minister of Health may appropriate to and use for the purposes of a public recreation and pleasure ground under the Public Health Acts any lands for the time being belonging to them :

Use of  
lands for  
pleasure  
grounds.

Provided that nothing in this section shall authorise the Corporation to do anything in contravention of any covenant or condition subject to which any such lands may have been acquired.

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

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

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

Provided also that the powers given by this section shall not be exercised in such a way as to contravene any

A.D. 1924. — covenant or condition subject to which any park or place of public resort or recreation or any portion thereof so set apart as aforesaid is held by the Corporation.

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

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

Power to charge for admission.

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

Provision of concerts entertainments &c.

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

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

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



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

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

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

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

Power to  
appoint  
officers.

## PART IX.

### MARKETS AND SLAUGHTER-HOUSES.

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

Use of  
market  
place for  
public  
meetings  
&c.

**135.** The Corporation may—

- (1) Construct and maintain in connection with any markets or public slaughter-houses established by them a refrigerator or cold air store

Power to  
provide  
cold storage.

A.D. 1924.

with all machinery apparatus and appliances necessary for the proper working and user thereof and for the storage and preservation of meat and other articles of food :

- (2) Demand and take in respect of the use of any such refrigerator or cold air store such charges as the Corporation may determine :
- (3) Lease for any term not exceeding twenty-one years any such refrigerator or cold air store or any part thereof at such rent and on such terms and conditions as the Corporation may think fit :
- (4) Make byelaws with respect to the management of any such refrigerator or cold air store.

Byelaws  
as to  
slaughter-  
houses.

**136.** The Corporation may make byelaws with respect to the management of their slaughter-house undertaking.

#### PART X.

##### POLICE AND HACKNEY CARRIAGES.

Power of  
constables  
to enforce  
byelaws as  
to parks &c.

**137.** From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Act 1875 relating to any park or place of public resort or recreation ground under the control of the Corporation as is given to the servants of the Corporation by the byelaws for the time being in force under the provisions of the said Act.

Public  
vehicles at  
railway  
stations.

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

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

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

station or railway premises or in any yard belonging to a railway company except with the consent of the railway company owning such station premises or yard. A.D. 1924.

**139.**—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage plying for hire within the city to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage. Inspection and certification of taximeters.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

**140.** An occasional licence for a public vehicle to ply for hire may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence. Power to grant occasional licences.

**141.** No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage (which expression shall in this section include an omnibus) unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit. Power to impose test on motor drivers.

**142.** The Corporation may erect or fix street fire alarms in such positions in any street road or public place in the city as they think fit: Fire alarms.

Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 :

A.D. 1924.

Provided also that no fire alarm shall be erected or affixed in any street road or public place so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

Byelaws as to bicycles &c. on certain footpaths.

**143.** The Corporation may make byelaws prohibiting or restricting the use by persons riding bicycles tricycles or other similar vehicles on any footpaths in the city specified and defined in such byelaws.

As to offences in burial grounds.

**144.** A person other than an officer of the Corporation or a person or the servant of a person employed by the Corporation in or about any work in connection with the burial grounds shall not except for the purpose of properly tending any grave pluck cut or otherwise interfere with any flower plant shrub wreath ornament or other thing on any grave in a burial ground belonging to the Corporation and any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

## PART XI.

### ELECTRICITY.

As to offices and showrooms.

**145.** The Corporation may in connection with and for the purposes of the electricity undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

Power to construct electrical sub-stations under streets.

**146.—(1)** Subject to the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the limits within which the Corporation may supply electricity substations transforming stations and other works in connection with the electricity undertaking and may in any such street provide and maintain all such means of access and approach to such substations transforming stations and works as may be necessary or convenient.

**(2)** No substation transforming station or other works shall be constructed within a distance of twenty-five yards of any property of any railway company except

with the consent in writing of that company which consent shall not be unreasonably withheld. Any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of a single arbitrator to be appointed failing agreement by the Minister of Transport. .A.D. 1924.

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

Use for lighting purposes of electricity supplied for power.

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

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

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

**148.**—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement. Provided that before discontinuing any such supply the

Provisions as to supply of electricity by agreement.



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A.D. 1924. Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation :

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

Byelaws  
as to  
apparatus  
and fittings.

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

Provided that nothing contained in this section or in any byelaw to be made thereunder shall apply to or in respect of any building or premises (other than a dwelling-house) belonging to a railway company.

Period of  
error in  
defective  
meters.

**150.**—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the

then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

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

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

Entry upon  
premises  
Penalty for  
obstruction.

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

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

Power to  
recover  
charge for  
re-connec-  
tion.

**153.** In case any owner or occupier of premises who has hired from the Corporation any electric line fitting apparatus or appliance (in this section referred to as "fittings") sells or leaves the premises in which such fittings are fixed or fastened and the next owner or occupier of those premises desires to purchase instead of to hire those fittings the Corporation may notwithstanding anything contained in the Electricity (Supply) Acts 1882 to 1922 sell those fittings to such next owner or occupier upon such terms and conditions as may be agreed between him and the Corporation.

Sale of  
electrical  
apparatus  
let on hire.

A.D. 1924.

## PART XII.

## FINANCIAL AND MISCELLANEOUS PROVISIONS.

Power to  
borrow.

**154.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues fund and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the fourth column thereof (namely):—

1	2	3	4
Purpose.	Amount.	Charge.	Period for Repayment.
(a) For the purchase of land and easements for and in connection with the waterworks authorised by this Act and the water undertaking of the Corporation and the construction of the reservoirs and road works authorised by this Act.	£ 634,330	The revenue of the water undertaking the borough fund and the borough rate.	Sixty years from the date or dates of borrowing.
(b) For the construction of the catchwaters and aqueducts authorised by this Act.	264,938	The revenue of the water undertaking the borough fund and the borough rate.	Forty years from the date or dates of borrowing.
(c) For and in connection with the provision of filtration plant.	22,000	The revenue of the water undertaking of the Corporation the borough fund and the borough rate.	Thirty years from the date or dates of borrowing.

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1	2	3	4
Purpose.	Amount.	Charge.	Period for Repayment.
(d) For working capital in connection with the water undertaking of the Corporation.	£ 20,000	The revenue of the water undertaking of the Corporation the borough fund and the borough rate.	Ten years from the date or dates of borrowing.
(e) For and in connection with the extension of mains and the general purposes of the water undertaking.	10,000	The revenue of the water undertaking the borough fund and the borough rate.	Thirty years from the date or dates of borrowing.
(f) For paying the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.

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

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

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Electricity Commissioners or the Minister of Health as the case may be.

(3) The provisions of this section prescribing the revenue funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 24 (Power to use one form of mortgage for all purposes) of the Act of 1909.

[Ch. lxxi.] *Wakefield Corporation*: [14 & 15 GEO. 5.]  
Act, 1924.

A.D. 1924.  
—  
Suspension  
of pay-  
ments into  
sinking  
funds.

**155.** Notwithstanding anything in this or any other Act contained it shall be lawful for the annual provision required to be made by the Corporation for repayment of money borrowed or to be borrowed by them under the provisions of this Act for or in respect of the construction of the reservoirs or aqueducts authorised by this Act to be suspended until the expiration of ten years after the passing of this Act or the completion of one of the said reservoirs or the completion of the said aqueducts whichever shall be the earlier.

Application  
of financial  
provisions  
of Acts of  
1900 1909  
and 1916.

**156.** The following provisions of the Act of 1900 the Act of 1909 and the Act of 1916 shall with the necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act namely:—

*Wakefield Corporation Market Act 1900—*

- Section 31 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);
- Section 32 (Mode of raising money);
- Section 35 (Mode of payment off of money borrowed);
- Section 36 (Sinking fund);
- Section 37 (Protection of lender from inquiry);
- Section 38 (Corporation not to regard trusts);
- Section 39 (Appointment of receiver);
- Section 43 (Application of money borrowed);  
and
- Section 48 (Inquiries by Local Government Board) Provided that subsection (2) of that section shall have effect as if the words " five guineas " were substituted for the words " three guineas " therein.

*Wakefield Corporation Act 1909—*

- Section 21 (Power to re-borrow).

*Wakefield Corporation Act 1916—*

- Section 49 (Audit of accounts);
- Section 51 (Returns to Local Government Board as to sinking fund);
- Section 56 (Evidence of appointments authority &c.);
- Section 57 (Powers of Act cumulative);
- Section 58 (Judges not disqualified).



**157.** Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund.

A.D. 1924.

—  
Expenses of execution of Act.

**158.**—(1) Any water rent or charge payable to the Corporation may be collected together with the consolidated rate and the same books may be used for the said rents charges and rates.

Water rent may be collected with consolidated rate.

(2) The consolidated rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the consolidated rate water rent or charge shall be in such form as the Minister of Health may from time to time prescribe.

**159.**—(1) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings hereinafter mentioned in the construction extension and improvement of the works and conveniences for the purposes of such undertaking and in the provision of funds for working capital :

Application of revenues of certain undertakings.

Provided that money shall only be so applied after the working and establishment expenses of the undertaking and the interest and sinking fund payments in respect thereof have been provided for.

(2) The undertakings hereinbefore referred to are the water electricity and markets undertakings of the Corporation.

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

Power to Corporation to subscribe to hospitals &c.

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

Power to expend money on lectures.

A.D. 1924.

Apportion-  
ment of  
items.

**162.** In all cases in which the Corporation keep separate accounts for separate purposes they may apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time it appears to them ought to be so apportioned or carried.

Power to  
appoint  
deputy  
medical  
officer of  
health.

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

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

Use of  
swimming  
baths for  
exhibitions  
and enter-  
tainments.

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

Use of  
swimming  
baths in  
winter.

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

Power to  
place seats  
in streets  
&c.

**166.** The Corporation may place seats in any street or place in the city for the use of the public and may make byelaws for regulating the use of the seats and for preventing injury or damage thereto:

Provided that the Corporation shall not place any seats in any such street or place so as to interfere with or

render less convenient the access to or exit from any station or depôt of a railway company. A.D. 1924.

**167.** 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 V. (Streets and buildings) Part VI. (Sewers drains and watercourses) Part VII. (Infectious disease and sanitary matters) and Part IX. (Markets and slaughter-houses) of this Act as if those purposes had been mentioned in the said section 102. Power to enter premises.

**168.** 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 V. (Streets and buildings) Part VI. (Sewers drains and watercourses) or Part VII. (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. Penalty on occupier refusing execution of Act.

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

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the city may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act

A.D. 1924. — authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

In execut-  
ing works for  
owner Cor-  
poration  
liable for  
negligence  
only.

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

As to  
breach of  
conditions  
of consent  
of Cor-  
poration.

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

Consent  
of Cor-  
poration  
to be in  
writing.

**172.** All consents given by the Corporation under the provisions of this Act or of any local Act Provisional Order byelaw or regulation for the time being in force within the city shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Damages  
and charges  
to be settled  
by justices.

**173.** Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or

charges in case of dispute respecting the same may be settled or determined by a court of summary jurisdiction before whom any offender is convicted.

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

Apportionment of expenses in case of joint owners.

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

Recovery of penalties &c.

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

Recovery of demands.

**177.** 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 city.

Informations by whom to be laid.

**178.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for indictments.



A.D. 1924.

Summons or  
warrant may  
contain  
several sums.

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

Confirma-  
tion of  
byelaws.

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

Section 182 (Authentication and alteration of byelaws);

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

Section 184 (Confirmation of byelaws); and

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

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

Provided that as respects byelaws made under the section of this Act whereof the marginal note is " Byelaws as to bicycles &c. on certain footpaths " the Secretary of State shall be substituted for the Minister of Health.

As to  
appeals.

**181.** 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 V. (Streets and buildings) Part VI. (Sewers drains and watercourses) Part VII. (Infectious disease and sanitary matters) or Part IX. (Markets and slaughter-houses) of this Act or by any order made by a court of summary jurisdiction under any of the said provisions may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Compensa-  
tion how  
to be deter-  
mined.

**182.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not

otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

A.D. 1924.

**183.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any enactment for the time being in force within the city.

Application  
of section 265  
of Public  
Health Act  
1875.

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

Crown  
rights.

**185.** 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.

Costs of  
Act.

[Ch. lxxi.] *Wakefield Corporation* [14 & 15 GEO. 5.]  
*Act, 1924.*

A.D. 1924. The SCHEDULE referred to in the foregoing Act.

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DUTIES OF OVERSEERS TRANSFERRED TO TOWN CLERK.

Subject Matter.	Act &c. imposing the Duty.
Liquor licences - - -	Licensing (Consolidation) Act 1910 sections 15 and 25.
Pawnbrokers' certificates -	Pawnbrokers Act 1872 section 42.
Notices under Education Act	Education Act 1921 section 161.
Army Reserve - - -	Reserve Forces Act 1882 section 24.
Territorial Army - - -	Territorial and Reserve Forces Act 1907 section 19.
Air Force Reserve -	The two last-mentioned enactments as applied by or under any other Act.
Auxiliary Air Force -	

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

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