



CHAPTER cvii.

An Act to empower the mayor aldermen and burgesses of the borough of Barrow-in-Furness to provide and work omnibuses and trolley vehicles to make further provision with regard to the tramways gas electricity markets and other undertakings of the Corporation to make provision for altering the number of councillors and aldermen to consolidate the rates of the borough and to make further provision with regard to the health local government and improvement thereof and for other purposes.

A.D. 1925.

[7th August 1925.]

WHEREAS the county borough of Barrow-in-Furness in the county palatine of Lancaster is a municipal borough under the government of the mayor aldermen and burgesses of the borough of Barrow-in-Furness (in this Act called "the Corporation") who acting by the council are also the urban sanitary authority for the district comprising the borough:

And whereas the Corporation are the owners of and are working a system of tramways in the borough and it is expedient to make further provision with regard to the tramway undertaking of the Corporation and to confer powers upon them for the running of omnibuses and to empower them to provide and work mechanically propelled vehicles adapted for use upon roads without

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Corporation Act, 1925.

A.D. 1925. rails and moved by electrical power transmitted thereto
— from some external source (in this Act referred to as
“ trolley vehicles ”):

And whereas the Corporation are the owners of the undertakings whereby the borough is supplied with gas and electricity and it is expedient to make further provision with regard to the gas and electricity undertakings of the Corporation as in this Act provided:

And whereas by the Barrow-in-Furness Corporation Act 1868 the Corporation were authorised to provide market places market houses and slaughter-houses and further powers in regard thereto were conferred upon them by the Barrow-in-Furness Corporation Act 1881 and it is expedient to make further provision with regard to the markets undertaking of the Corporation and also with regard to the slaughter-houses in the borough including provisions for altering and increasing tolls in respect of the use of such slaughter-houses:

And whereas it is expedient to empower the Corporation to erect concert halls and other buildings and to provide or arrange for the provision of entertainments therein and to confer further powers upon the Corporation with regard to their parks and recreation grounds:

And whereas it is expedient to make further and better provision with regard to the health local government and improvement of the borough and that the powers of the Corporation in regard thereto should be enlarged as is provided in this Act:

And whereas it is expedient to provide for the consolidation of the rates levied in the borough:

And whereas it is expedient to provide for the formation of a consolidated loans fund by the Corporation and to make further provision with regard to the finances of the Corporation and the application of revenue derived from their several undertakings:

And whereas it is expedient that provision should be made as in this Act provided for enabling the number of the council to be increased:

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 :—

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	£
For the provision of omnibuses - -	5,400
For the purchase of lands and the erection of buildings for the purposes of the omnibuses of the Corporation - -	4,000

And whereas the 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 :

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Barrow-in-Furness Corporation Act 1925. Short title.

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

Part I.—Preliminary.

Part II.—Omnibuses trolley vehicles and tramways.

Part III.—Gas and electricity.

Part IV.—Markets and slaughter-houses.

Part V.—Parks and public buildings.

Part VI.—Streets buildings drains &c.

Part VII.—Infectious disease and sanitary provisions.

Part VIII.—Rating provisions.

Part IX.—Financial provisions.

Part X.—Miscellaneous.

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Incorporation of Acts.

3. The Lands Clauses 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 but with the following exceptions namely :—

- (a) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement;
- (b) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands).

Interpretation.

4. 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. And in this Act unless the subject or context otherwise requires—

“ The Corporation ” means the mayor aldermen and burgesses of the borough of Barrow-in-Furness;

“ The borough ” means the borough of Barrow-in-Furness;

“ The council ” means the council of the borough;

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

“ Omnibus ” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source;

“ Trolley vehicle ” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

“ Trolley vehicle routes ” means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;

- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;
- “Child” means a person under the age of sixteen years;
- “Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- “Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction;
- “The parish” means the parish of Barrow-in-Furness;
- “The overseers” means the overseers of the poor of the parish;
- “The poor rate” means the poor rate for the parish;
- “The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act amending that Act;
- “Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;
- “Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;
- “The Act of 1868” “the Act of 1881” “the Order of 1884” “the Act of 1901” “the Order of

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1903 " " the Act of 1904 " and " the Act of 1917 " mean respectively the Barrow-in-Furness Corporation Act 1868 the Barrow-in-Furness Corporation Act 1881 the Barrow-in-Furness Tramways Order 1884 confirmed by the Tramways Orders Confirmation (No. 3) Act 1884 the Barrow-in-Furness Corporation Act 1901 the Barrow-in-Furness Tramways Order 1903 confirmed by the Tramways Orders Confirmation (No. 2) Act 1903 the Barrow-in-Furness Corporation Act 1904 and the Barrow-in-Furness Corporation Water Act 1917;

" Statutory borrowing power " has the meaning assigned to it by section 2 (Interpretation) of the Act of 1917;

" The borough fund " and " the borough rate " mean respectively the borough fund and borough rate authorised by this Act to be established and made;

" The existing borough fund " and " the existing borough rate " mean respectively the borough fund and borough rate of the borough immediately before the appointed day as defined by the section of this Act of which the marginal note is " Commencement of this Part of this Act " ;

" Hackney carriage " has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus.

PART II.

OMNIBUSES TROLLEY VEHICLES AND TRAMWAYS.

Definition
of road
authority.

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

Power to
provide and
run omni-
buses.

6.—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the borough and (with the consent of the Minister of Transport and the local authority of the district) along any route outside

the borough Provided that the consent of a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport. A.D. 1925.

(2) In the case of any application under the provisions of this section for the consent of the Minister of Transport the Corporation shall give notice in writing of their proposals to the road authority (where it is not also the local authority) and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister of Transport shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto and if any objection shall be made by any such person or the consent of the local authority is withheld the Minister of Transport may direct an inquiry to be held.

(3) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by or belonging to them omnibus carriage and motor-houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

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

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

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

7.—(1) (a) Before the Corporation commence to run omnibuses over any road or part of a road it shall be Adaptation of roads.

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determined by agreement between the Corporation and the road authority (where it is not the Corporation) or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of an omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money per mile of road so to be adapted altered or reconstructed or what sum of money in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening.

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

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

(d) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road or the strengthening of any bridge which is not

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executed within three years from the date on which the Corporation shall commence to run omnibuses over the road or part of a road to be adapted altered or reconstructed or over the bridge to be strengthened.

(e) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (c) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed or of any such bridge so strengthened.

(f) For the purposes of this subsection the expression "county bridge" shall include every bridge maintainable by a county council and in respect of such bridge the county council shall be deemed to be the road authority and the expression "district bridge" shall include every bridge maintainable by a district council and in respect of such bridge the district council shall be deemed to be the road authority.

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

(3) If any such adaptation alteration reconstruction or strengthening as aforesaid shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any highway by the omnibuses of the Corporation.

(5) An agreement under this section with respect to any main road maintained by a local authority at the expense of any county council shall not be made except with the concurrence of that county council.

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Fares and
charges &c.

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

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

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

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

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

Working
agreements
as to omni-
buses.

9.—(1) The Corporation and any local authority empowered to run omnibuses in any borough or urban or rural district adjacent to the borough or adjacent to any borough or urban or rural district in which any route over which the Corporation are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of any Act or Acts under which such omnibus services are respectively authorised.

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

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

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- (a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such omnibus services;
- (b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;
- (c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;
- (d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

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

10.—(1) The powers of running omnibuses under the provisions of this Act on any road or part of a road outside the borough may at the expiration of ten years from the date upon which such running commences and at the expiration of any subsequent period of ten years be determined by the Minister of Transport on the application of the local authority of the district in which such

Cesser of
powers.

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— said Minister may determine.

(2) Before issuing an order to determine the said powers the Minister of Transport shall hold a local inquiry at which opportunity shall be afforded to any person interested to object to the continuance or cesser of such powers.

Determina-
tion of
powers in
certain
events.

11. If the Corporation do not within three years from the giving of the consent of the Minister of Transport to the running by the Corporation of omnibuses on any route without the borough provide a service of omnibuses on such route or having provided shall discontinue any such service the Minister of Transport may on the application of any local authority within whose district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the Minister of Transport may by such order prescribe the powers of the Corporation under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided as from the expiration of such period the powers of the Corporation under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease :

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

Power to
use trolley
vehicles.

12.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the following trolley vehicle routes all in the borough (that is to say) :—

Route No. 1 (Abbey section) From the town hall along Duke Street and Abbey Road to Croft Park (Abbey Road);

Route No. 2 (Walney section) From the town hall along Michaelson Road Bridge Road the Promenade and Ocean Road to Biggar Bank;

Route No. 3 (Roose section) From the town hall along Duke Street Strand Saint George's Square Salthouse Road and Roose Road to its junction with Rampside Road; A.D. 1925

Route No. 4 (Dock section) From the junction of Michaelson Road and Bridge Road along Michaelson Road to Ramsden Dock Road and along Ramsden Dock Road to Ramsden Dock Railway Station :

Provided that before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval.

(2)—(a) When an order has not been made by the Minister of Transport under the section of this Act of which the marginal note is "As to abandonment of tramways" in relation to any of the tramways of the Corporation the Corporation shall not be required to provide a service of tramcars upon the route of any of such tramways along which a service of trolley vehicles is provided by the Corporation under the provisions of this Act so long as such service of trolley vehicles continues to be so provided.

(b) Nothing in this subsection shall relieve the Corporation of any liability imposed upon them by section 41 of the Tramways Act 1870.

(c) As from the date upon which and so long as a service of trolley vehicles is provided by the Corporation in lieu of a tramway service upon the route or routes of any of the tramways of the Corporation the revenue of the tramway undertaking of the Corporation shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged with any expenses incurred by the Corporation upon or in connection with the maintenance and repair of roads along the route or routes upon which such service of trolley vehicles is provided under any statutory enactment relating to that undertaking but nothing in this subsection shall relieve the Corporation of any liability attaching to them in respect of such maintenance and repair.

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As to elec-
trical works.

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

Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

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

(4) In this section the expression generating station has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

Use of posts
&c. by Post-
master-
General.

14.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the trolley vehicles and to lengthen adapt alter and replace such posts standards and brackets

for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

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- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the trolley vehicle routes;
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided;
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Minister of Transport arising through the exercise by the Postmaster-General of the powers conferred by this section;
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards

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farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided;

- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard place in or near the centre of any street or public road;
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair;
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants;
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided;
- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicles or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference

damage or injury be caused by gross negligence on the part of the Corporation their officers or servants; A.D. 1925.
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- (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their trolley vehicles or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

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

(4) In this section—

The expression "the Corporation" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

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For protec-
tion of
London
Midland and
Scottish
Railway
Company.

15. For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Corporation and the company apply and have effect in relation to the exercise by the Corporation of the powers of this Part of this Act so far as they relate to trolley vehicles (that is to say) :—

- (1) The provisions of sections 11 and 12 of the Order of 1884 shall with any necessary modifications extend and apply to the working and user of trolley vehicles over Routes Nos. 2 and 4 by this Act authorised :
- (2) In this section the word "apparatus" means standards brackets conductors mains cables wires posts poles and any other apparatus and equipment for the purpose of working trolley vehicles under or in pursuance of this Part of this Act :
- (3) The apparatus where the same shall be erected or placed upon across under or over any railway or bridge or the approaches thereto or other work belonging to or maintainable by the company or will otherwise affect the same shall be erected or placed and maintained so as not to affect injuriously the structure of any such bridge or approaches and according to plans and particulars to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed in accordance with the provisions of this Act Provided that if the company do not within twenty-eight days after such submission signify their disapproval of such plans and particulars they shall be deemed to have approved thereof All such apparatus shall be erected or placed under the superintendence (if the same be given) and to the reasonable satisfaction of the company The Corporation shall so construct maintain and use the apparatus as not to affect injuriously any such bridge approaches or other work and in the event of any injury being occasioned to such bridge approaches or work by the construction maintenance user or removal of the

apparatus upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing :

- (4) The Corporation shall on demand pay to the company the reasonable expense of watching the railway and property of the company which shall be necessary during and in consequence of the execution or repair by the Corporation under or in pursuance of this Part of this Act of any apparatus affecting any bridge or other work belonging to or maintainable by the company for preventing 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 in the employ of either of them :
- (5) The Corporation shall not in any manner in the execution maintenance user or repair of any of the apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or siding belonging to or maintainable by the company or any traffic thereon :
- (6) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to any works or property which they may be liable to maintain or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors in connection with the apparatus or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (7) If the company in the exercise of their existing powers shall hereafter require to widen lengthen strengthen reconstruct alter or repair any of

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their bridges approaches or other works under or upon which the apparatus is laid or to widen or alter any railway thereunder or thereover the Corporation shall afford to the company all reasonable and proper facilities for the purpose and if it shall be necessary for such purpose that the apparatus be taken up diverted or removed and if the company accordingly give to the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable dispatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :

- (8) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening lengthening strengthening reconstructing altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the company by reason of the existence or user of the works or apparatus :
- (9) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed under or in pursuance of this Part of this Act and if it shall be reasonably necessary for them so to do the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current

from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :

- (10) If having regard to the proposed position of any apparatus of the Corporation authorised by or in pursuance of this Part of this Act when considered in relation to the position of the works of the company at any point where any apparatus will be constructed over or under the railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of so doing shall be repaid to the company by the Corporation Provided that notice of their intention to execute such works shall be given by the company to the Corporation :
- (11) The Corporation shall not for the purposes of this Part of this Act make attachments to any bridge or other property of the company without the consent in writing of the engineer of the company which shall not be withheld unreasonably such attachments if allowed to be temporarily removed at any time when required by the said engineer in connection with the maintenance and reconstruction or alteration of any such bridge :
- (12) No shed shelter waiting room gangway cloak-room room barrier or post shall be erected maintained or provided nor shall any starting or stopping station or place be appointed nor shall the Corporation require persons waiting at any such stopping place or any terminus to wait in any line or queue so as to cause interference with or render less convenient the

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access to or exit from any station or depôt belonging to the company nor shall any such shed shelter waiting room gangway cloakroom room barrier or post be erected maintained or provided on any bridge carrying any street or road over the railways of the company or on the approaches to any such bridge :

- (13) If any difference shall arise between the Corporation and the company or their respective engineers with reference to the matters aforesaid such difference shall be referred to arbitration the arbitrator being appointed on the application of either party after notice in writing to the other 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.

Corporation to have exclusive right of using apparatus for working trolley vehicles.

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

Vehicles not to be deemed light locomotives or motor cars.

17.—(1) The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licences and licensing of drivers) and subject to that exception neither that Act nor the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

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

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18. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles authorised by this Act as hackney carriages.

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Licence duties on trolley vehicles.

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

Approval of vehicles by Minister of Transport.

20. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by the Minister of Transport.

Inspection by Minister of Transport.

21. The following provisions of the Tramways Act 1870 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act and shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways :—

Application of certain provisions of Tramways Act 1870 to trolley vehicles.

Part II. (Relating to the construction of tramways) except sections 25 28 and 29 ;

Section 41 (Tramways to be removed in certain cases) ;

Section 46 (Byelaws by local authority Promoters may make certain regulations) ;

Section 47 (Penalties may be imposed in byelaws) ;

Section 48 (Power to local authority to license drivers conductors &c.) ;

Section 49 (Penalty for obstruction of promoters in laying out tramway) ;

Section 51 (Penalty on passengers practising frauds on the promoters) ;

Section 53 (Penalty for bringing dangerous goods on the tramway) ;

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

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

Application to trolley vehicles of certain provisions relating to tramways.

22.—(1) The following provisions of the Order of 1884 the Order of 1903 and the Act of 1904 shall extend and apply to the trolley vehicles authorised by this Act as if those provisions were with all necessary modifications re-enacted in this Act (that is to say):—

The Order of 1884—

- Section 38 (Traffic upon tramways);
 Section 39 (Promoters not bound to carry goods);
 Section 41 (Tolls for passengers);
 Section 42 (Passengers' luggage);
 Section 44 (Tolls for animals goods &c.);
 Section 46 (Periodical revision of tolls);
 Schedule B.

The Order of 1903—

- Section 25 (Special provisions as to use of electric power);
 Section 26 (For protection of Postmaster-General);
 Section 30 (Cheap fares for labouring classes);
 Section 34 (Orders &c. of Board of Trade).

The Act of 1904—

- Section 49 (Motive power);
 Section 52 (Attachment of brackets to buildings);

- Section 53 (Byelaws);
Section 57 (Working agreements);
Section 58 (Penalty for malicious damage);
Section 59 (Shelters or waiting rooms);
Section 62 (Tolls for persons crossing bridge in tramcars):

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Provided that the said trolley vehicles shall only be used for the purpose of conveying passengers and parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers and shall not be used for the carriage of any minerals or any other animals or goods.

(2) In the application of the said provisions of the Order of 1884 the Order of 1903 and the Act of 1904 the same shall be read and have effect as if the working equipment for trolley vehicles were tramways within the meaning of the said Orders and Act and as if trolley vehicles were carriages used on the tramways of the Corporation and as if the trolley vehicle undertaking authorised by this Act formed part of the tramway undertaking authorised by those Orders or that Act as the case may be.

23.—(1) (a) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets and roads in this Act hereinbefore referred to) they may make application to the Minister of Transport and the Minister of Transport is hereby empowered to make a Provisional Order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act.

Minister of Transport may authorise new routes.

(b) The Minister of Transport shall not make any Provisional Order under this section relating to any road outside the borough except with the consent of the local authority and (where the local authority is not the road authority) of the road authority of the district in which such road is situate.

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

- (a) have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the area to which the application relates;
- (b) have also published such notice once in the months of October or November in the London Gazette;
- (c) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application;

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

(3) The Minister of Transport may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

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

(5) In any case where it shall appear to the Minister of Transport expedient that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

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

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

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

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

24. It shall not be lawful for the Corporation elsewhere than along any route along which they are for the time being authorised to construct or work a tramway to work any trolley vehicle service over any bridge belonging to or repairable by the London Midland and Scottish Railway Company (hereinafter referred to as "the company") except subject to the provisions contained in this section (that is to say):—

As to railway bridges of insufficient strength.

(1) The Corporation shall at least one month before commencing to work such service give written notice to the company specifying the bridge and the axle weights when fully loaded (hereinafter called "the axle weights") of the vehicles proposed to be used in such service. If for twenty-eight days after the giving of such notice no objection is made by the company then it shall be lawful for the Corporation to work over the said bridge a service of trolley vehicles of axle weights not exceeding those specified in such notice except as is hereinafter provided:

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- (2) If within twenty-eight days after the service of such notice by the Corporation the company object in writing to the proposed service on the ground that the bridge referred to in the notice is not of sufficient strength to enable it to carry trolley vehicles of the axle weights specified in the notice then (in any case in which the Corporation do not dispute the allegation of the company as to the insufficiency of the strength of the said bridge or in which it is determined by arbitration as hereinafter provided that the strength of the said bridge is so insufficient as aforesaid) the Corporation may by written requisition call upon the company to strengthen or reconstruct such bridge so as to enable it to carry trolley vehicles of the axle weights specified in the notice and the company shall thereupon so strengthen or reconstruct (as the occasion may require) such bridge and the Corporation shall on demand repay to the company the cost reasonably incurred by them in so doing. After such bridge shall have been so strengthened or reconstructed it shall be lawful for the Corporation to work over the said bridge a service of trolley vehicles of axle weights not exceeding those specified in the notice except as hereinafter provided :
- (3) No trolley vehicle shall be taken across any such bridge so as to meet or pass any other trolley vehicle or any locomotive or heavy motor car (as defined by the Heavy Motor Car Order 1904) upon such bridge :
- (4) If any difference shall arise between the Corporation and the company as to the sufficiency or insufficiency of the strength of any such bridge to carry trolley vehicles of the axle weights specified in any notice given by the Corporation as aforesaid or as to any amount to be repaid by the Corporation under subsection (2) of this section such difference shall be referred to and determined by an engineer to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers upon the application of either party after

notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference but pending the decision of such arbitrator as to the sufficiency or insufficiency of the strength of any bridge it shall not be lawful to work any service of trolley vehicles over any bridge in respect of which an objection shall have been made by the company in accordance with the provisions of this section :

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- (5) If any such strengthening or reconstruction as aforesaid involves an alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the company shall be deemed to be "undertakers" within the meaning of the said Act Provided that any expenditure incurred by the company in connection with any such alteration shall be deemed part of the cost of strengthening and reconstruction of any such bridge.

25.—(1) At any time after the passing of this Act the Minister of Transport may by order authorise the Corporation to abandon or discontinue temporarily or permanently any of their tramways (for the time being) along the route of which the Corporation have provided and equipped trolley vehicles or provided omnibuses under the provisions of this Act or any Provisional Order made thereunder.

As to abandonment of tramways.

(2) Before making any such order the Minister of Transport may hold such inquiry as he may consider desirable.

(3) Any order made under the provisions of this section may as from such date as may be specified therein provide for the cesser of all or any of the powers liabilities duties or obligations conferred or imposed upon the Corporation by any Act or Order relating to any tramway to be abandoned or discontinued in pursuance of such Order and may provide for the removal of the rails of such tramway from the surface of the road and for the portion of the road upon which such rails were laid to be left in good repair and condition.

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Removal of
obstruc-
tions.

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

Power for
Corporation
to suspend
traffic.

27. The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Corporation or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the working of the tramways of the Corporation or any part thereof or the running of trolley vehicles on any trolley vehicle route or part thereof shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damages in respect thereof.

Use for
sanitary
purposes.

28. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to tramways or trolley vehicles) use the tramways or trolley vehicles of the Corporation for sanitary or road watering purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all rates and charges in respect of such use.

Through
cars vehicles
and omni-
buses.

29. The Corporation may run through cars along any of the routes of the tramways of the Corporation or any specified portion thereof and through trolley vehicles or omnibuses along any route on which the Corporation are for the time being authorised to run trolley vehicles or omnibuses and such cars trolley vehicles and omnibuses shall be distinguished from other cars trolley vehicles and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars trolley vehicles and omnibuses a

fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car trolley vehicle or omnibus Provided that during the running of such through cars trolley vehicles or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of cars trolley vehicles or omnibuses as the case may be.

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30. The Corporation may appoint the stations and places from which cars on their tramways and their trolley vehicles and their omnibuses shall start or at which they may stop for the purpose of taking up or setting down passengers and may fix the time during which such cars vehicles and omnibuses shall be allowed to remain at any such place but any such appointment and fixing of time shall (as respects any station or place outside the borough) be subject to the consent of the local authority of the district within which that station or place is appointed which consent shall not be unreasonably withheld and any question as to whether or not any such consent is unreasonably withheld shall be determined by the Minister of Transport.

Corporation may appoint stopping and starting places.

31.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Corporation may on any occasion run and reserve cars on any of the tramways of the Corporation and trolley vehicles or omnibuses on any route on which the Corporation are for the time being authorised to run trolley vehicles or omnibuses for any special purpose which the Corporation may consider necessary or desirable provided that such special cars trolley vehicles and omnibuses shall be distinguished from other cars trolley vehicles and omnibuses in such manner as the Corporation may direct and that during the running of such special cars trolley vehicles or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of cars trolley vehicles or omnibuses as the case may be.

Power to reserve cars for special purposes.

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

(3) The restrictions contained in this or any other Act of the Corporation as to fares rates or charges for

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Cloakrooms
&c.

32. The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their tramway undertaking (including the trolley vehicle and omnibus undertakings authorised by this Act) and at any places on the routes of the tramways of the Corporation or any trolley vehicle or omnibus route and the Corporation may make charges for the use of such cloakrooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

Lost pro-
perty.

33. Any property found in any tramcar trolley vehicle or omnibus of the Corporation or in any shelter or waiting room in connection with their tramway trolley vehicle or omnibus undertakings shall forthwith be handed to the conductor of the car vehicle or omnibus or be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking.

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

34.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the tramways trolley vehicles or omnibuses of the Corporation signs or directions indicating the position of stopping places for tramcars trolley vehicles and omnibuses Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the said owner for any damage or injury occasioned to such lamp-post pole standard or

similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment. A.D. 1925.

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

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

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

36. The fares rates and charges authorised by this Act or by the provisions incorporated therewith shall be paid to such persons and at such places upon or near to the trolley vehicles or omnibuses and in such manner and under such regulations as the Corporation may by notice to be annexed to the lists of fares rates and charges appoint. Payment of fares rates and charges.

37. Where the Minister causes any inquiry to be held under the provisions of this Part of this Act all expenses incurred by the Ministry in relation to that inquiry shall (except so far as is otherwise expressly provided) be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representations the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown. As to expenses of inquiries by Minister of Transport.

38. Any byelaws and regulations made by the Corporation under the provisions contained in this Part of this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws. As to byelaws &c. under this Part of this Act.

39. Subject to the provisions of this Act the omnibus and trolley vehicle undertakings authorised by this Part of this Act shall be deemed to form part of the Omnibuses and trolley vehicles to form part of

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tramway
under-
taking.

tramway undertaking of the Corporation Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with omnibuses and trolley vehicles respectively shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking and each other.

Accounts to
be fur-
nished to
Minister of
Transport.

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

PART III.

GAS AND ELECTRICITY.

Power to
supply elec-
tricity
fittings &c.

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

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

(3) All electric fittings let for hire under the provisions of this section shall notwithstanding that they

be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Corporation :

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

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

(5) Provided as follows :—

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

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

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

(6) Any sum due or payable to the Corporation in respect of the sale or hire of any such fittings or the provision of materials and work in connection therewith as are referred to in this section or the fixing setting up

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Methods of charging for electricity.

42.—(1) Notwithstanding anything in the Electricity (Supply) Acts 1882 to 1922 or in any other Act or Order a person shall not be entitled to demand or continue to receive from the Corporation a supply of electricity for any premises unless he has agreed with the Corporation to pay for same in accordance with the terms and conditions contained in any method of charging for the time being selected by the Corporation and approved by the Minister of Transport.

(2) Any such method may be other than by the actual amount of energy supplied or the electrical quantity contained in such supply and may authorise a periodical charge in respect of the maximum power demanded installed or required by the consumer in addition to a charge for the energy supplied to him.

(3) Provided that nothing in this section shall authorise the Corporation during the continuance of any existing agreement for the supply of energy on terms stated in the agreement to charge for or in respect of the energy supplied under the agreement by any method of charge other than that stated in the agreement except with the consent in writing of the party to the agreement to whom or for whose benefit the energy is supplied.

Contracts for supply of electricity in bulk.

43.—(1) The Corporation and any local authority company or person authorised by Act of Parliament or Order confirmed by Parliament or by a special order under the Electricity (Supply) Act 1919 to produce or supply electricity may enter into and carry into effect contracts for the supply by the Corporation beyond the limits for the supply of electricity by the Corporation to any such local authority company or person or by any such local authority company or person to the Corporation of electricity in bulk upon and subject to such terms and conditions as may be agreed upon but nothing in this section shall authorise any party to any such contract (not being otherwise so authorised) to lay any mains or electric lines or to interfere with any street.

(2) Any contract entered into under the provisions of this section shall be submitted to the Electricity Commissioners for their approval.

44.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for his premises the sum to be so paid to be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

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As to maximum power which may be demanded.

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

45.—(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 of forty shillings and shall in addition be liable to pay to the Corporation at such higher rate as they may be for the time being charging for the supply of electricity for lighting purposes for all or any portion of the electricity which has been supplied to him for power purposes within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

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

(2) The provisions of section 18 of the Electric Lighting Act 1909 shall apply to any person whom the

A.D. 1925. Corporation have reasonable grounds for believing to
— be acting contrary to the provisions of this section.

(3) In this section the expression "power purposes" includes all purposes to which electricity may be applied other than lighting purposes.

As to offices
and show-
rooms.

46. The Corporation may in connection with and for the purposes of the gas undertaking and of the electricity undertaking respectively provide fit up and maintain showrooms and offices and exhibit specimen installations machinery fittings and other apparatus appliances articles and things used in connection with the consumption of gas or electricity and give demonstrations of the uses to which gas or electricity can be put and may appoint and pay persons for the purposes aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of gas or electricity and may do all such other acts as they may deem expedient to assist develop or promote the use of gas or electricity.

Supply of
gas where
consumer
has separate
supply.

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

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

48.—(1) In the event of any meter used by a consumer of gas being tested in the manner provided by the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said Act or in the event of a meter of a construction and pattern approved by the Board of Trade or 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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Period of
error in
defective
meters.

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

PART IV.

MARKETS AND SLAUGHTER-HOUSES.

49.—(1) Any animal brought to any cattle market of the Corporation at which animals intended for the food of man are in fact sold shall (unless the contrary be proved) be deemed to be deposited for the purpose of sale and intended for the food of man within the meaning of sections 116 to 119 (relating to unsound meat &c.) of the Public Health Act 1875 or of any enactment relating to the borough and the provisions of those sections and enactments shall respectively apply to any such animal. The provisions of the section of this Act of which the marginal note is "Extension of powers of veterinary inspector to section 116 of Public Health Act 1875" shall extend and apply accordingly.

Extension of
sections 116
to 119 of
Public
Health Act
1875.

(2) Any person knowingly causing directing or permitting any animal which is diseased or unsound or unwholesome or unfit for the food of man to be brought to any such market of the Corporation and any person (including any auctioneer) who offers for sale or sells any such animal knowing it to be diseased or unsound or unwholesome or unfit for the food of man as well as

A.D. 1925. — the persons mentioned in section 117 of the Public Health Act 1875 or in any such enactment (as the case may be) shall be liable to a penalty as mentioned in the said section 117 or in any such enactment (as the case may be).

(3) The veterinary inspector the market keeper the slaughter-house superintendent any officer of the market the sanitary inspector or any constable may detain for a reasonable period not exceeding twelve hours any emaciated or diseased animal brought to any cattle market of the Corporation and any person wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

Removal and exclusion from market of animals not fit for food or suspected of tuberculosis.

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

Increase of slaughter-house tolls.

51.—(1) Notwithstanding anything contained in section 129 (Power to establish markets and fairs and slaughter-houses) of the Act of 1868 or the Fourth Schedule to that Act the Corporation may demand and receive tolls not exceeding the following tolls from persons using the slaughter-houses fittings and conveniences provided by the Corporation (namely):—

	£	s.	d.
For every ox cow bullock steer or heifer	0	3	0
For every calf	0	1	3
For every sheep or lamb	0	0	8
For every hog or pig	0	1	0
For every other beast	0	2	6

(2) So much of the Fourth Schedule to the Act of 1868 as is not consistent with this section and so much of the said section 129 of that Act as relates thereto are hereby repealed.

PART V.

A.D. 1925.

PARKS AND PUBLIC BUILDINGS.

52. The Corporation may purchase take on lease or acquire land for the purposes of athletic meetings cricket football and other games and for those purposes or any of them may lay out the whole or any portion of any land so purchased taken on lease or acquired or any portion of any park or place of public resort or recreation set apart by them under the provisions of the Public Health Acts Amendment Act 1907 and may from time to time let to any club company body or persons the whole or any portion of such land or any portion of any park or place of public resort or recreation so set apart by the Corporation and may upon such lands or upon the portions of parks or places of public resort or recreation so set apart erect construct and maintain 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 to let at one and the same time more than fifty per centum of the total area of the parks and places of public resort and recreation for the time being belonging to them and under their control.

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

Charge for use of recreation grounds.

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

Power to provide public buildings &c.

A.D. 1925. — with existing buildings for the time being belonging to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings.

Power to charge for admission.

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

Provision of concerts entertainments &c.

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

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

57. The Corporation may make byelaws for securing good and orderly conduct during any concert entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this Part of this Act and also for regulating the use of any lands purchased taken on lease or acquired by them under the provisions of the section of this Act of which the marginal note is "Power to let recreation grounds &c. to cricket clubs &c." or set apart for the purposes of paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 provided by them under the provisions of this Part of this Act.

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Power to
make bye-
laws.

58. The Corporation may pay or contribute towards the cost of providing and maintaining at public places in the borough and on passenger boats or public conveyances plying between the borough and other places and in newspapers published or circulating in the borough advertisements of the performances and entertainments provided at their halls pavilions band stands assembly rooms and other buildings.

Power to
advertise
entertain-
ments and
attractions.

59. All expenses incurred by the Corporation under the provisions of the sections of this Act of which the marginal notes are "Provision of concerts entertainments &c." and "Power to advertise entertainments and attractions" 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 such sections or either of them 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 borough assessable in that year to the borough rate.

As to ex-
penses.

60. 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.

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—
For protec-
tion of
Right Hon.
Richard F.
Cavendish.

61. Nothing in the sections of this Act of which the marginal notes are "Power to provide public buildings &c." and "Provision of concerts entertainments &c." shall enable the Corporation to contravene the covenants contained in a certain indenture of conveyance dated the ninth day of February nineteen hundred and twenty-four and made between the Right Honourable Richard Frederick Cavendish of the first part the Most Noble Victor Christian William Duke of Devonshire K.G. of the second part and the Corporation of the third part.

PART VI.

STREETS BUILDINGS DRAINS &C.

Power to
define future
line of
existing
public
streets.

62.—(1) Where any street repairable by the inhabitants at large or any part of such street is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where at the corner of any street it is in their opinion desirable to set back the line of frontage in order to facilitate traffic or where in any other case it is in their opinion necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe what shall thereafter be the line of frontage to be observed on either side of such street or any part thereof.

(2) The line which in any case the Corporation propose to prescribe shall be marked on a plan to be signed by and deposited with the town clerk and such plan shall at all reasonable times thereafter be open for the inspection of the public without charge and one month at least before the Corporation formally prescribe the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot with reasonable diligence be ascertained by affixing such notice to or on the premises.

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

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(4) The Corporation may and if required so to do by the owner shall purchase and the owner and all other persons interested shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by the Corporation under this section and the street and the same when purchased shall vest in the Corporation as part of the street 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.

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

(6) The amount of any purchase money or compensation payable under subsection (4) or subsection (5) of this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 and in determining the amount thereof the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street shall be fairly estimated and shall be set off against the said purchase money or compensation.

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

63. Section 38 (Corporation may prescribe line of building) of the Barrow-in-Furness Corporation Act 1873 shall be read and have effect as if the words "the Lands" "Clauses Acts as amended by the Acquisition of Land" Amendment of section 38 of Act of 1873.

A.D. 1925. — “ (Assessment of Compensation) Act 1919 ” were inserted therein in lieu of the words “ the Lands Clauses Consolidation Act 1845.”

Adjustment
of bound-
aries of
estates.

64.—(1) The Corporation may for the purposes of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new streets to be constructed are submitted to the Corporation for approval require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for the 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 land be determined on the application of the Corporation or any 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 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.

65.—(1) When a road footpath or way within the borough is about to become a new street within the meaning of the Public Health Acts but the land on only one side of such street has been or is in course of being built on the Corporation may in any case in which they would be empowered to require the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by or under any enactment relating to the borough or by any byelaws for the time being in force in the borough require such owner to widen such road footpath or way so as to give a width not less than one-half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land.

Widening of roads when only one side is built upon.

(2) If and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Corporation :

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

66.—(1) Where any tree hedge or shrub overhangs any street or footpath in the borough 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

Lopping of trees overhanging highways.

A.D. 1925. — notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within fourteen days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the expenses incurred by them in so doing from the person in default.

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

Compensation for injuring lamps &c.

67. Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand-bin shall make full compensation to the Corporation for the damage done and the amount of such compensation to an amount not exceeding five pounds shall be recoverable summarily.

As to hoardings and similar structures.

68.—(1) (a) No fence hoarding or other similar structure (in this section referred to as “structure”) of a greater height than six feet six inches shall be erected or brought forward on any land in any street—

- (i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any local Act in force; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 12 of the Housing &c. Act 1923; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

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(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expense incurred by them in so doing from the offender.

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which would (if erected after the commencement of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the commencement of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

69. 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 hoard-
ings.

A.D. 1925.
—
Prevention
of obstruc-
tive build-
ings.

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

- (a) stop ventilation or otherwise make or conduce to make other buildings in its proximity to be in a condition unfit for human habitation or dangerous or injurious to health; or
- (b) prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

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

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

(3) Where an order of the Corporation prohibiting the erection of a building is made under this section and either no appeal is made against the order or an appeal is made and either fails or is abandoned the Corporation may (and if required so to do by notice in writing from the said owner served within seven days from the last date upon which such owner might have so appealed or from the hearing of such appeal (as the case may be) shall) purchase the land on which the building was proposed to be erected in like manner as if they had been authorised by a special Act to purchase the same and

for the purpose of such purchase the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this section and such lands may be purchased at any time within one year after the date of the order or if it was appealed against after the date of the confirmation.

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

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

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

Means of
escape from
buildings in
case of fire.

(2) From and after the first day of January nineteen hundred and twenty-six the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire

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A.D. 1925. — for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

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

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

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

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

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

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

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(8) This section shall not apply to any premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 apply or any enactment amending those sections.

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

(10) The words "there shall be ample means provided for escape in case of fire as the Corporation may approve" which are contained in section 64 (Buildings intended for the residence of two or more families) of the Barrow-in-Furness Corporation Act 1875 are hereby repealed.

72. The Corporation may make byelaws with respect to—

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

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

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

Larders to be provided.

74.—(1) Section 36 of the Public Health Act 1875 shall apply to a part of a house occupied by a separate family as it applies to the whole of a house and the section shall with the necessary modifications apply accordingly.

Closet accommodation in houses occupied by more than one family.

(2) The provisions of subsections (2) (3) and (4) of section 26 (Byelaws respecting houses divided into separate tenements) of the Housing Town Planning &c. Act 1919 shall apply with any necessary modifications as if the same were set out in this section.

(3) Section 101 (Waterclosets in flats) of the Act of 1881 is hereby repealed.

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Notice of
intention
to repair
drains.

75.—(1)* It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation twenty four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

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

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

Combined
drains.

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

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

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

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a

court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct. A.D. 1925.

77.—(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 or the Corporation may declare them to be private improvement expenses and may recover them accordingly. Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

(2) Section 19 (Extension of 38 & 39 Vict. c. 55. s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

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

78.—(1) As from the passing of this Act section 100 of the Barrow-in-Furness Corporation Act 1875 shall be repealed and that Act shall have effect as if the following provisions were inserted therein instead of that section (namely):— Penalty of non-compliance with certain provisions of Act of 1875.

(a) If any person make or lay out any new street or begin to make or lay out any new street or erect any new building or begin to erect any new building without giving the notices or without depositing the plans sections drawings and particulars mentioned in the foregoing provisions or before the expiration of the said

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period of one month or fourteen days (as the case may be) or if any person shall begin to make or lay out or proceed with or complete the making or laying out of any new street or begin or proceed with or complete the erection of any new building which has been disapproved of by the Corporation or if after the Corporation have approved of any new street or new building any person shall make any alteration in the whole or in any part of any such new street or new building which the Corporation have so approved or shall in any respect make or begin to make or proceed with or complete the making of such street or any part thereof or erect or begin to erect any building or any part thereof or proceed with or complete the same contrary to the plans sections drawings or particulars as approved by the Corporation without the further approval by the Corporation of such alteration first had and obtained or shall lay out make or build upon any street otherwise than in accordance with the level and width form and directions thereof fixed by the Corporation or if any person shall omit to do any act or fail to comply with any requirement of the Corporation or surveyor acting respectively under the authority of the foregoing provisions or any of them he shall for each offence be liable to a penalty not exceeding the sum of five pounds and to a further penalty not exceeding the sum of forty shillings for each day during which such offence shall continue after notice thereof given to him by the Corporation and the Corporation shall be at liberty to treat every continuance or repetition of any such offence as a fresh offence and it shall be lawful for the Corporation to proceed in respect thereof as if the same were a fresh offence whether or not there shall have been any previous conviction;

(b) In this section the expression "new building" includes the alteration of any existing building.

(2) Section 100 (Amendment of section 100 of 38 & 39 Vict. c. cciv.) of the Act of 1881 and Article IV. of the Order of 1891 are hereby repealed.

79. The following provisions of the Act of 1868 are hereby repealed namely :—

Section 113 (Penalties on persons other than scavengers emptying privies);

Section 114 (Penalty on Corporation for not causing privies &c. to be emptied).

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—
Repeal of certain enactments.

80. Any river stream or watercourse or any part or parts thereof respectively so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto or to hinder the effectual drainage of water through the same shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Streams choked up to be a nuisance.

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

Lopping of trees overhanging highways;

Compensation for injuring lamps &c.;

As to hoardings and similar structures; and

As to repair of hoardings;

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 with the authority of Parliament so long as any such building railway work or lands are used or held by such company primarily for railway or dock purposes.

Saving for railway companies.

PART VII.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

82.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the

To prevent spread of infectious disease amongst

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—
children in
Sunday
schools &c.

Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

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

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

For pre-
venting
spread of
infectious
disease.

84.—(1) Any person being the parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

(2) In any proceeding under this section a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating

that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

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(3) In this section the expression "school" includes a Sunday school.

85. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles scabies ringworm whooping cough chicken pox and influenza.

Extended meaning of "infectious disease" for certain purposes.

86.—(1) Whenever it shall be certified to the Corporation by the medical officer that the outbreak or spread of infectious disease is in the opinion of such medical officer attributable to the milk supplied by any dairyman the Corporation may require such dairyman to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such dairyman shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein.

Dairymen to furnish list of customers in certain cases.

(2) Every person wilfully or knowingly offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

87. Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the borough who after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds.

Penalty on failing to isolate diseased cows.

88. Whenever the medical officer shall report in writing to the Corporation or to a committee of the council that there is a prevalence of dangerous infectious disease in the borough or in any adjoining or neighbouring borough or district and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the borough by persons resorting to common lodging-houses the Corporation or

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

A.D. 1925. — such committee as aforesaid may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the borough for such period as the Corporation or such committee as aforesaid having regard to the circumstances of the case shall in the resolution determine (that is to say):—

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

Power to close infectious common lodging-houses.

89.—(1) If the Corporation^s deem it necessary on account of the existence or recent existence therein of infectious disease to close a common lodging-house they may make an application to a justice for an order to

close the same and the justice if satisfied of the necessity for such closing may make an order for the closing of such house until the same shall have been disinfected to the satisfaction of and certified to be free from infection by the medical officer and any keeper of a common lodging-house who shall receive any lodger or suffer or permit any lodger to remain in such house after an order has been made to close the same and during the continuance of such order shall be liable to a penalty of five pounds for every day during which the offence continues.

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(2) The Corporation shall make compensation to the keeper of any such lodging-house for any loss he may sustain by reason of any such closing.

90. 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 dying of infectious disease.

91. When any person suffering from infectious disease shall die of such disease in the borough the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding two pounds.

Removal of body of person dying of infectious disease.

92.—(1) If the medical officer certifies in writing that—

Removal of person suffering from pulmonary tuberculosis to hospital.

- (a) 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

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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 borough or within a convenient distance of the borough for the 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) (a) Where—

- (i) any person suffering as aforesaid is removed to any such hospital or place as aforesaid under an order made under this section; or
- (ii) any person resident in the borough 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.

(b) 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 dependants. A.D. 1925.

(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.

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

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building

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A.D. 1925. — has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

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

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

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

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

(3) If any person sustains any damage by reason of the negligent exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in

relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction. A.D. 1925.

94. 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.

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

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

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

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Names of
laundrymen
to be fur-
nished.

96.—(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 laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

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

Penalty on
withholding
information
from medi-
cal officer.

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

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

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

For regu-
lating manu-
facture and
sale of ice-
cream &c.

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

(a) causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping-room or in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain;
or

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(b) in the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(c) omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any person 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 such 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 must have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) (a) The medical officer and the sanitary inspector and any other officer who is duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor 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

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— 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 :

(b) Any person refusing entry into or inspection of
such premises as aforesaid or obstructing such officer as
aforesaid in the execution of his duty shall be liable to a
penalty not exceeding forty shillings.

Byelaws as
to meat.

99.—(1) The Corporation may make and enforce
byelaws for preventing meat (other than foreign meat
or 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) brought into the
borough 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 and intended for the food of man
until after inspection by an officer of the Corporation.

(2) Provided that any byelaws made by the Corpora-
tion under this section shall provide—

(a) that any person bringing any meat (other than
foreign meat or 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)
into the borough shall give to the medical
officer or sanitary inspector reasonable notice
thereof in writing and of the day and hour and
place in the borough at which the meat can be
inspected as aforesaid; and

(b) 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 sub-
section (1) of this section referred to shall not
apply to the meat in respect of which the notice
was given.

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

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

101.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of a rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute any article of food or any bladder or balloon inflated or capable of inflation by human breath from any cart barrow or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connection with the business of rag and bone merchants.

Rag and bone dealers not to sell food or bladders and balloons.

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

102.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the lung 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.

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

(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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Penalty on
original
vendor of
unsound
food.

103.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890) or under any enactment relating to the borough 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 or under any such enactment as aforesaid (as the case may be) the person who so sold the same shall be punishable as mentioned in the last-mentioned section or enactment (as the case may be) unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it 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 extended by section 28 of the Public Health Acts Amendment Act 1890 or under any enactment relating to the borough 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 or under any such enactment as aforesaid (as the case may be) 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 extended by section 28 of the Public Health Acts Amendment Act 1890 or under any enactment relating to the borough 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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104. The provisions of section 34 (Power for Privy Council to make orders relative to dairies cowsheds and milkshops) of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the council under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the borough for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets.

Provisions
as to re-
tailers of
milk.

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

Prohibition
of blowing
or inflating
carcases.

106.—(1) For the purpose of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 (Power to declare a business to be an offensive business) 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—

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

- (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

A.D. 1925. 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.

Discontinu-
ance of
offensive
trade.

107.—(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.

Such notice shall be deemed to be a requirement of the Corporation within the meaning of the section of this Act of which the marginal note is "As to appeal" and the owner or occupier (as the case may be) may appeal accordingly.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Corporation as may be agreed between the Corporation and such person or as failing such agreement shall be determined by arbitration under the provisions

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of the Arbitration Act 1889 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.

108.—(1) From and after the passing of this Act the following provisions shall apply to any room shop or other part of a building within the borough in which room shop or part of a building 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.

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

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building wherein any of the conditions prohibited

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by this section exist or does or knowingly permits any act or thing therein in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

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

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

Byelaws as to conveyance of meat &c. through streets.

109. The Corporation may from time to time make byelaws for securing the cleanliness and protection from contamination of articles intended for human food while being conveyed through or along any street. Provided that before making any such byelaw applicable to the conveyance of any article by the London Midland and Scottish Railway Company to or from any railway station or depôt of such company the Corporation shall give not less than one month's notice to the company 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.

As to filthy premises.

110.—(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 the Corporation 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.

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(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.

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

Houses infested with vermin to be cleansed.

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

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

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

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(5) Upon any proceedings under this section the court may inquire as to whether any requirements 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) This section shall apply to any boat vessel tent van shed or similar structure used for human habitation in like manner as if the same were a house.

Cleansing of
children and
their cloth-
ing.

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

(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) 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. A.D. 1925.

(4) 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 be liable to a penalty not exceeding ten shillings.

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

(6) 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.

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

Cleansing of
verminous
persons.

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imposed by the order. The Corporation shall in every case cause the removal and detention to be effected and the condition of any order satisfied without charge to the person removed or to the parent or guardian of that person.

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

(3) The cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person.

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

(5) This section shall apply to any boat vessel tent van shed or similar structure used for human habitation in like manner as if the same were a house.

(6) This section shall not apply to any child.

Power to
prohibit
tents vans
&c.

114.—(1) If any person dwelling in a tent van shed or similar structure used for human habitation occupies land within five hundred yards of any dwelling-house and the occupation of such land by him is a nuisance or injurious to health a court of summary jurisdiction may on complaint by the Corporation make an order prohibiting (either absolutely or subject to conditions) the further occupation of such land or any other land within a radius of one thousand yards thereof by such person and if the order be not complied with the person shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) The Corporation before making any complaint shall give to the owner or lessee of the land so occupied or to the person who has suffered the land to be so occupied not less than seven days' notice in writing of their intention so to complain and shall at the same time give a similar notice to the person with regard to whom the complaint is intended to be made.

(3) This section shall not apply to any person dwelling in a tent or van or other similar structure who

is a roundabout proprietor travelling showman or stallholder (not being a pedlar or hawker) and who does not stay in the borough for more than fifteen days. A.D. 1925.

115. The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions in or about or arising out of any existing stable not being used as such at the time of the passing of this Act or in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act. Byelaws as to stables &c.

116.—(1) The owner of any dwelling-house erected after the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy or allow to be occupied such dwelling-house and the owner of any dwelling-house erected before the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy the same or allow the same to be occupied shall respectively be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. As to houses without water supply.

(2) Provided that—

(a) The owner of any dwelling-house erected before the passing of this Act shall not be liable to the penalties provided by subsection (1) of this section unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house with a proper and sufficient water supply within such dwelling-house;

(b) The Corporation shall repay to the owner of any such dwelling-house erected before the passing of this Act one-third of the amount reasonably expended by him in complying with the requirements of such notice (including the cost of providing and fixing any necessary sink and connection to the drain);

(c) This section shall not apply to a dwelling-house erected before the passing of this Act which has no scullery or to any dwelling-house in respect of which a sewer or drain and a water main are not reasonably available.

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Regulation
dustbins.

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

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

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

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

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

118. Public notice of the effect of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

PART VIII.

RATING PROVISIONS.

Commence-
ment of this
Part of Act.

119. This Part of this Act shall come into operation as from the thirty-first day of March nineteen hundred and twenty-six which date is in this Part of this Act referred to as the appointed day.

All expenses
of Corpora-
tion to be
paid out of
borough
fund.

120.—(1) On the appointed day the existing borough fund shall be closed and any balance standing to the credit or to the debit of the existing borough fund or of the existing borough rate respectively shall be transferred to the borough fund to be established in accordance with the provisions of the Municipal

Corporations Act 1882 and all moneys which if this Act had not been passed would have been paid or carried to the credit of the existing borough fund shall be paid or carried to the credit of the borough fund but any moneys owing to the Corporation in respect of or in connection with the existing borough fund or the existing borough rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed.

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(2) All expenses of the Corporation which under the Municipal Corporations Act 1882 and any Act amending that Act are payable out of the borough fund and all expenses of the Corporation which by any Act of Parliament are payable out of the district fund of an urban authority and all other expenses (if any) which if this Act had not been passed would have been payable out of the existing borough fund shall be payable out of the borough fund.

121. As from the appointed day the provisions of the Municipal Corporations Acts relating to a borough fund and borough rate shall be in force within the borough. Provided that notwithstanding anything contained in section 144 (3) of the Municipal Corporations Act 1882 the Corporation may make and levy any borough rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

Municipal Corporations Act 1882 to apply.

122. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall (subject to the provisions of this Part of this Act) apply to the said contribution.

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

123. The poor rate (inclusive of the contributions to the borough fund levied as part thereof in pursuance of the provisions of this Act) shall be called "the consolidated rate" and except as expressly provided by this Act that rate shall be subject to all Acts passed and to be passed relating to the poor rate and be made assessed levied and recovered as the poor rate.

Poor rate to be called consolidated rate.

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—
Differential
rating for
certain
classes of
heredita-
ments.

124. The provisions contained in this section shall have effect with respect to the consolidated rate to be made and levied by the overseers (that is to say) :—

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing-path for the same or as a railway constructed or used under the powers of any Act of Parliament for public traffic shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of fifty-six per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section less the discount from time to time allowed in pursuance of the section of this Act whereof the marginal note is "Discount on consolidated rate" :

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

The owner of tithe rentcharge attached to a benefice shall be liable to pay only five-eighths of the amount payable under subsection (1) of the section of the Barrow-in-Furness Corporation Act 1925 whereof the marginal note is "Differential rating for certain classes of hereditaments" in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining three-eighths thereof shall on demand being made by the collector of the rate on the inspector of taxes for the borough or any district therein be paid by the Commissioners

of Inland Revenue out of the sums payable by them to the local taxation account on account of estate duty grant : A.D. 1925.
—

(3) (a) During the continuance of the Agricultural Rates Acts 1896 and 1923 the occupier of any agricultural land as defined in the Agricultural Rates Act 1896 shall be liable to pay in each year in respect of such land a rate calculated on the basis of one-fourth only (instead of fifty-six per centum) of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section ;

(b) On the expiration of the Agricultural Rates Act 1923 the words "thirty-five per centum" shall during the continuance of the Agricultural Rates Act 1896 be substituted for the words "one fourth" in paragraph (a) of this subsection :

(4) Nothing in this section shall in any way affect—

(a) The share of the annual grant payable under the Agricultural Rates Act 1896 to any spending authority or save as expressly provided in this Act the operation of that Act ;
or

(b) The operation of the Agricultural Rates Act 1923 or the power of the Minister of Health to estimate as respects each half year after the commencement of this Part of this Act the amount of the deficiency which would have arisen by reason of section 1 of that Act if this Act had not been passed in the produce of any rate for the purpose of the issue from the local taxation account of the share of any spending authority in the additional annual grant under the Agricultural Rates Act 1923 ; or

(c) Save as is in this section expressly provided the operation of the Ecclesiastical Tithe Rentcharges (Rates) Acts 1920 and 1922 ; or

(d) The amount of the contribution for any purposes to be made by the parish out of the poor rate :

A.D. 1925.

(5) (a) If any occupier referred to in subsection (1) of this section claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days' notice in writing of such appeal and of the ground thereof be given by the appellant to the Corporation and the overseers;

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

Application
of Poor
Rate Assess-
ment and
Collection
Act 1869.

125. For the purposes of the Poor Rate Assessment and Collection Act 1869 within the borough and the parish the Corporation shall be substituted for and have all the powers of the vestry in and in relation to the provisions of the said Act.

Certain
sections of
Public
Health Act
1875 to
apply.

126. Section 220 (Description of owner or occupier) and section 221 (Rates may be amended) of the Public Health Act 1875 shall apply to the borough in respect of the consolidated rate as if the overseers were an urban authority and the rate therein mentioned were the consolidated rate and the said section 221 shall extend to enable the overseers to amend any rate made by them in pursuance of this Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

Payment of
consolidated
rate by
instalments.

127. The overseers if so required by the Corporation shall in pursuance of the provisions of section 15 (Overseers may make poor rate payable by instalments) of the Poor Rate Assessment and Collection Act 1869 declare that any consolidated rate made by them for a period exceeding three months shall be paid by instalments at such times as shall have been previously specified by the Corporation.

128. The provisions of section 162 (Form and service of notices by Corporation) of the Act of 1881 shall apply to demand notes for the consolidated rate.

Service of
rate de-
mands by
post.

129.—(1) The Corporation may from time to time if they think fit direct the overseers to make an allowance by way of discount not exceeding five per centum on the amount due in respect of any consolidated rate or any instalment thereof from every person who pays the same within such time after demand of the rate or after the date when any instalment falls due as the case may be as the Corporation shall prescribe and in any such case the overseers shall make such allowance accordingly.

Discount on
consolidated
rate.

(2) Provided that—

(a) The same rate of discount shall be allowed to every ratepayer in similar circumstances;

(b) Discount under this section shall not be allowed in respect of property in respect of which the owner instead of the occupier pays the poor rate under the provisions of the Poor Rate Assessment and Collection Act 1869;

(c) Notice of this enactment shall be endorsed on every demand note for rates.

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

Water rents
may be col-
lected with
consolidated
rate.

(2) The Corporation may demand water rents rates and charges by half-yearly instalments in advance on the twenty-fifth day of March and the twenty-ninth day of September in each year but so that the same shall not be recoverable until the expiration of two months from the said twenty-fifth day of March and twenty-ninth day of September respectively.

(3) The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding five per centum on the amount due in respect of any water rent rate or charge or any instalment thereof from every person who pays the same within such time after demand of the rate or any instalment thereof as the case may be as the Corporation may prescribe.

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(4) Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rent rate or charge or any instalment thereof shall be demanded.

Form of rate &c. to be prescribed by Minister of Health.

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

Inclusion of gas and electricity charges &c. with consolidated rate.

132. Any other rate for the time being leviable by the Corporation and any charge for gas or electricity payable to the Corporation may be included with the consolidated rate (but distinguished therefrom) in any book or books of assessment and in one demand note. The demand note shall be in such form as the Minister of Health may approve.

As to section 133 of Lands Clauses Consolidation Act 1845.

133. For the purpose of section 133 (Until completion of works promoters shall make good any deficiency of land tax and poor's rate caused by lands being taken) of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be one-third of the amount in the pound of the consolidated rate.

As to recovery of consolidated rate.

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

Borough rate may include working balance.

135. The purposes to which the borough fund is applicable shall include the provision of a working balance for the payment of current expenses that may be incurred by the Corporation in the exercise or performance of the powers and duties the cost of which is charged on the borough fund and the Corporation may (in estimating the amount sufficient for those purposes and in ordering the borough rate to be made) include such a sum as they may consider to be necessary for the provision of such working balance.

Overseers may require returns.

136.—(1) The overseers may by notice in writing require the owner or occupier or reputed owner or occupier of any hereditament in the parish (other than land

used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the First Schedule to this Act and containing the particulars therein mentioned or referred to :

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Provided that (except for purposes connected with the preparation of and preliminary to a general re-valuation for rating) the powers conferred by this section shall only be exercised—

- (a) upon any change in the occupation or ownership of any hereditament; or
- (b) upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament; or
- (c) in the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section.

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

(3) The overseers shall whenever required by the assessment committee of the Barrow-in-Furness Poor Law Union produce from time to time to such committee returns or any of them obtained by the overseers under the provisions of this section.

(4) Nothing in this section shall require any railway company to include in any return which they may be required to send to the overseers particulars with respect to their running lines sidings or stations or any hereditament therein.

137. Section 218 (Recovery of rates from persons removing) of the Act of 1868 shall apply to the consolidated rate.

Application
of section
218 of Act
of 1868.

A.D. 1925:
—
As to repeal.

138. As from the appointed day the following enactments are hereby repealed namely:—

The Act of 1868—

Section 198 (Regulation of borough fund);

Section 199 (Power to levy borough rate);

Section 200 (Produce of borough rate to be carried to borough fund);

Section 201 (Other provisions as to borough fund and rate &c. excluded);

Section 202 (Rates may be prospective or retrospective);

Section 203 (Power to rate owner instead of occupier in cases described);

Section 204 (Value of property to be ascertained according to poor rate);

Section 205 (Power for council &c. to inspect parish rate books);

Section 206 (Power to levy rates in respect of property not included in the poor rate);

Section 207 (If poor rate considered an unfair criterion a valuation to be made);

Section 208 (Power for valuer to enter and examine lands &c. for purposes of valuation);

Section 209 (Form of rate);

Section 210 (Owner may be rated without stating his name);

Section 211 (Notice of rate to be given);

Section 212 (Rate to be open to inspection of ratepayers);

Section 213 (Power to amend rates);

Section 214 (Persons aggrieved by inequality of rate may apply to council);

Section 215 (Rates may be recovered by action or distress);

Section 216 (Rates due from owner may be recovered from occupier);

Section 217 (Rates made for a certain period to be apportioned);

Section 219 (Rate books to be evidence).

The Act of 1881—

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Section 155 (Power to levy rates payable by instalments);

Section 156 (Amendment of section 217 of 31 & 32 Vict. c. civ.);

Section 157 (Amendment of section 215 of 31 & 32 Vict. c. civ.):

Provided that nothing in this section shall prevent the Corporation from levying or recovering gas rents and water rents in manner provided by section 53 of the said Act of 1868.

PART IX.

FINANCIAL PROVISIONS.

139.—(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 revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall respectively be “the prescribed period”) mentioned in the third column thereof (namely):—

Power to borrow.

1	2	3
Purpose.	Amount.	Period of Repayment.
(a) The provision of omnibuses - -	£ 5,400	Eight years from the date or dates of borrowing.
(b) The purchase of lands and the erection of buildings for the purposes of the omnibuses of the Corporation.	4,000	Thirty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of Part II. (Omnibuses trolley vehicles and tramways) of this Act and with the consent of the Electricity Commissioners such further money as may be necessary for any of the purposes of Part III. (Gas and electricity) of this Act relating to the electricity undertaking and with the consent of the Minister of Health such further money as may be necessary for any of the other purposes of this Act:

(b) The Corporation may also borrow such further moneys as may be necessary for the purpose of providing a fund for working capital—

(i) as respects the tramways undertaking of the Corporation or the trolley vehicle or omnibus undertakings authorised by this Act with the consent of the Minister of Transport;

(ii) as respects the electricity undertaking with the consent of the Electricity Commissioners;

(iii) as respects the borough fund and borough rate and any undertaking of the Corporation other than the tramways trolley vehicles omnibus and electricity undertakings with the consent of the Minister of Health:

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby:

(d) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

140.—(1) The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others.

(2) Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for

Mode of
raising
money.

the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) of that Act. A.D. 1925.

141. All money borrowed under the provisions of this Act shall be applied only to the purposes for which it is authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable. Application of money borrowed.

142. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (that is to say):— Investment of and payments into sinking fund.

(1) The Corporation may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in statutory securities:

(2) The accumulations of the said yearly sums shall be paid and provided out of the borough fund and borough rate and any interest dividends and proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into the borough fund.

143. Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent or insurance or other similar fund (in this section respectively referred to as "the lending fund") and not for the time being required for the purpose for which the moneys have been accumulated subject to the following conditions:— Use of moneys forming part of sinking and other funds.

(1) The moneys so used shall be repaid by the borrowing fund to the lending fund as and when

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—

required out of the revenues of the Corporation within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable. Provided that the Corporation may if they so determine repay to the lending fund the amount so used at any time within the period aforesaid:

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

Return to
Minister of
Health with
respect to
repayment
of debt.

144.—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation in pursuance of any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the town clerk or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk or other officer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

A.D. 1925.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the borough requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

145. 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 and borough rate. Expenses of execution of Act.

146. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister of Health shall in each case prescribe. Period for repayment of loans under Municipal Corporations Act 1882.

147.—(1) Where the Corporation have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Second Schedule to this Act or to the like effect.

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Corporation Act, 1925.

A.D. 1925.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods and by the means within and by which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in

the Second Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever. A.D. 1925.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

148.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March nineteen hundred and twenty-five the Corporation may (if they think fit) establish a fund to be called the consolidated loans fund to which shall be paid as and when they are received:—

Consolidated loans fund.

(a) All moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(b) All moneys of a capital nature received by the Corporation whether from the sale of capital

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assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and

- (c) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt;

and there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the date as from which the consolidated loans fund is established.

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

- (a) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation; and

- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation;

and the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the interest arising from the investments thereof shall not except with the consent of the Minister of Health be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

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

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund. A.D. 1925.

149.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

Sinking
fund.

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

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

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

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

A.D. 1925. thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

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

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

(8) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking

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

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

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

(11) All moneys which at the commencement of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

150. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Interest on mortgages held jointly.

151. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum

Evidence of transfer or transmission of securities.

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of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Receipt in case of persons not sui juris.

152. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Subscriptions to local government associations and other expenses.

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

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

(b) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

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

154.—(1) Notwithstanding anything contained in any previous enactment all money received by the Corporation on account of the revenue of the following undertakings of the Corporation (namely):—

- (a) the tramways undertaking (including the trolley vehicles and omnibus undertakings);
- (b) the gas undertaking;
- (c) the water undertaking;
- (d) the electricity undertaking;
- (e) the baths undertaking;
- (f) the markets and slaughter-houses undertaking;
- (g) the Walney Bridge undertaking;

shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

(2) Any moneys which the Corporation are required or authorised to pay or apply under the following enactments (namely):—

Section 52 (Application of revenue) of the *Barrow-in-Furness Corporation Electric Lighting Order 1894*;

Section 64 (Gas reserve fund) of the Act of 1901;

Section 65 (Water reserve fund) of the Act of 1901;

Section 27 (Application of revenue of bridge and as to deficiency) of the Act of 1904;

Subsection (3) of this section;

shall for the purposes of subsection (1) of this section be deemed to be payments and expenses made and incurred in respect of the undertaking to which the said enactments respectively relate and any income arising from the investment of any reserve funds authorised under the said enactments shall be deemed to be money received on account of the revenue of the undertaking to which the said enactments respectively relate.

(3) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings referred to in subsection (1) of this section in the provision of funds for working capital

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—
Application
of revenue
and pay-
ment of ex-
penses of
under-
takings.

A.D. 1925. — 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.

Separate
accounts to
be kept.

155.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the following undertakings of the Corporation (that is to say) the tramways undertaking (including the trolley vehicles and omnibus undertakings) the gas undertaking the water undertaking and the electricity undertaking (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed and applied by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed and applied for the purposes of the undertaking;
- (d) All other expenses (if any) of maintaining the undertaking;
- (e) The amount (if any) paid to any reserve fund which the Corporation are by this Act authorised to maintain.

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as may be reasonably practicable apportion between

those accounts or carry to either of them any receipts . A.D. 1925:
credits payments and liabilities which from time to time —
it appears to them ought to be so apportioned or carried.

156.—(1) The Corporation may (if they think fit) Reserve funds.
provide a reserve fund in respect of each of the following
undertakings (namely):—

- (a) the tramways undertaking;
- (b) the omnibus undertaking;
- (c) the trolley vehicle undertaking;
- (d) the markets and slaughter-houses undertaking;

by setting aside and investing such an amount as they may
from time to time think reasonable and investing the
same in statutory securities and accumulating the same
until the fund so formed amounts to the maximum
reserve fund for the time being prescribed by the
Corporation in respect of the undertaking.

(2) Any reserve fund which has been formed for the
purposes of any of the said undertakings and which is
in existence at the commencement of this Act shall be
deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall
be applicable to answer any deficiency at any time
happening in the income of the Corporation from the
undertaking in respect of which it is formed or to meet
any extraordinary claim or demand at any time arising
against the Corporation in respect of that undertaking
or for payment of the cost of renewing improving or
extending any part of the works forming part thereof
or otherwise for the benefit of that undertaking and
so that if that fund be at any time reduced it may there-
after be again restored to the prescribed maximum and
so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund under the
foregoing provisions although such fund may not at the
time have reached or may have been reduced below the
prescribed maximum.

157.—(1) The Corporation may if they think fit Power to create acci-
form a fund to be called "the accident fund" to provide dent fund.
for meeting claims upon them under the common law
the Employers' Liability Act 1880 the Workmen's
Compensation Act 1906 or any Act or Acts for the time

A.D. 1925. being amending or extending those Acts or otherwise in respect of any accident whether to their officers servants and workmen or third parties occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sum shall be invested at compound interest in or upon any statutory security but when the fund shall amount to the sum of twenty thousand pounds the Corporation may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Corporation shall recommence and continue the yearly payments until the fund be restored to the sum of twenty thousand pounds Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the sum shall not then have reached or shall have been reduced below the said sum of twenty thousand pounds.

(2) For the purposes of this section the expressions "officers" and "servants" shall include any teacher employed in any public elementary school in the borough whether provided by the Corporation as the local education authority or not so provided or employed in any school college or hostel provided by the Corporation.

Application
of certain
provisions
of Acts of
1901 and
1917.

158. The following provisions of the Act of 1901 and of the Act of 1917 shall extend and apply with the necessary modifications in regard to moneys to be borrowed and mortgages granted under the powers of this Act (that is to say):—

The Act of 1901—

Section 53 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);

Section 54 (Provisions as to mortgages);

Section 56 (Mode of payment off of money borrowed);

Section 58 (Protection of lender from inquiry);

Section 59 (Corporation not to regard trusts);

Section 60 (Appointment of receiver).

The Act of 1917—

A.D. 1925.

Section 10 (Inquiries by Local Government Board):
Provided that—

- (a) In the application of section 57 of the Act of 1901 that section shall be read and have effect as if the words “three and one-half per centum per annum or such other rate as may from time to time be determined by the Minister of Health” were substituted therein for the words “three per centum per annum”;
- (b) In the application of section 10 of the Act of 1917 that section shall be read and have effect as if the words “five guineas” were substituted therein for the words “three guineas.”

PART X.

MISCELLANEOUS.

159.—(1) The power of the Corporation to petition under section 30 of the Municipal Corporations Act 1882 for an alteration of the number or boundaries of the wards of the borough shall be extended to enable them to petition for an alteration of the number of councillors and aldermen of the borough and where any petition is presented by the Corporation praying for an alteration of the number of councillors and aldermen of the borough either with or without an alteration of the number or boundaries of the wards it shall be lawful for His Majesty by Order in Council to fix the number of councillors of the borough and for the purposes of any such petition and the proceedings thereon the provisions of the said section shall apply with the necessary modifications.

As to alteration in number of council.

(2) Any Order in Council or scheme under section 30 of the Municipal Corporations Act 1882 as extended by this section may contain such incidental consequential and supplemental provisions as appear to be necessary or proper for bringing into operation and giving full effect to the Order or scheme.

160.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 or any Act amending the same or the School Teachers' (Superannuation) Act 1918 or any other Act

Power to grant gratuities to officers and servants

A.D. 1925.
—
and their
families in
certain
cases.

for the time being in force relating to the superannuation of teachers and not entitled to benefits under a scheme established under the Local Government and other Officers Superannuation Act 1922 grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

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

(3) Section 75 of the Act of 1901 is hereby repealed but without prejudice to anything done thereunder.

(4) In and for the purposes of this section the expression "officers or servants" shall include any teacher who is not entitled to a gratuity under the School Teachers (Superannuation) Act 1918 or any Act amending the same and who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not so provided) or permanently and exclusively employed in any school college or hostel provided by the Corporation for the purpose of higher education under the provisions of the Education Act 1921.

Further
powers for
acquisition
of lands.

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

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(2) 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. Provided that nothing in this subsection shall authorise the Corporation to create or permit any nuisance on any lands so appropriated.

(3) 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.

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

Dwelling-houses for persons in Corporation's employment.

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

163. Nothing in this Act contained authorises the Corporation—

For protection of War Office and others.

(1) to take enter upon use or interfere with any land soil or water or any right in respect thereof for

A.D. 1925.
—

the time being vested in or in the occupation of or exercised or exerciseable by His Majesty's Principal Secretary of State for the War Department (hereinafter called "the Secretary of State") or in or by the Territorial Army Association of the county of West Lancaster or in of or by any other person body or corporation acting for or on behalf of the Secretary of State or the Territorial Army Association of the county of West Lancaster without the consent of the Secretary of State or the Territorial Army Association of the county of West Lancaster (as the case may be) signified in writing under the hand (as the case may be) of the Secretary of State or the secretary of the Territorial Army Association of the county of West Lancaster which consent the Secretary of State and the Territorial Army Association of the county of West Lancaster respectively are or any one of them is authorised to give subject to such special or other conditions as he or the Territorial Army Association of the county of West Lancaster shall see fit to impose on the Corporation; or

- (2) To take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State or the Territorial Army Association of the county of West Lancaster (including any rights privileges or powers for the defence of the realm whether under any statute or regulation or otherwise) without such consent as aforesaid.

Power to
manufac-
ture slabs
&c.

164. The Corporation may convert any clinkers or other refuse or surplus material or product arising in connection with their undertakings into slabs of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or

may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the borough fund.

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165. Every person who shall be brought before any court of summary jurisdiction charged with having in his possession or conveying in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained and who shall not give an account to the satisfaction of such court how he came by the same shall be deemed guilty of a misdemeanour and shall be liable to a penalty of not more than five pounds or in the discretion of the court may be imprisoned with or without hard labour for any period not exceeding two calendar months.

Punishment of persons having in their possession or conveying stolen goods.

166.—(1) For the better regulation of persons desiring to travel in carriages used on tramways and in trolley vehicles and omnibuses the Corporation may make byelaws applicable within the borough or any part thereof requiring persons waiting to enter such carriages trolley vehicles and omnibuses at any stopping place or terminus to wait in lines or queues and to enter the carriage trolley vehicle or omnibus in which they respectively desire to travel in the order in which they stood in such line or queue and in the event of the Corporation making any such byelaws they may erect and maintain barriers and posts at any stopping place or terminus.

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

(2) Any byelaws made under this section shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

167. The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of this section for prescribing the streets in which the hours during which and the manner according to which animals may be led or driven along the streets of the borough Provided that the route or routes prescribed by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughterhouse and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughterhouse and railway station or other place as aforesaid

Byelaws as to leading or driving cattle.

A.D. 1925. — Provided also that any such byelaw shall not prevent the owner of any animal driving the same to his own premises.

Byelaws as to cemetery. **168.** The Corporation shall with respect to any cemetery belonging to them and established under the Burial Acts have the same power of making byelaws as if such cemetery had been established under the Public Health (Interments) Act 1879.

Inspection and certification of taximeters. **169.**—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any such 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.

(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.

Further provisions as to hackney carriages. **170.**—(1) For the purposes of sections 51 to 61 (both inclusive) 63 and 65 to 67 (both inclusive) of the Town Police Clauses Act 1847 the whole of the borough and any area outside the borough but within ten miles from the town hall of the borough shall be within the prescribed distance for hackney carriages duly licensed by the Corporation and hired within the borough. Provided that it shall not be obligatory on the drivers of hackney carriages to contract to carry persons for hire a longer distance beyond the borough than five miles.

(2) The power of the Corporation to make byelaws under section 68 of the Town Police Clauses Act 1847 or under that section as extended by section 120 of the Act of 1883 shall be extended so as to enable them also to

make byelaws thereunder with respect to hackney carriages duly licensed by the Corporation and hired within the borough when outside the borough but within ten miles of the town hall.

A.D. 1925.

—

(3) (a) Any offence committed or claim arising outside the borough but within ten miles of the town hall of the borough against or under the Town Police Clauses Act 1847 or any byelaws made by the Corporation thereunder or under that Act as extended by the said section 120 and relating to a hackney carriage duly licensed by the Corporation and hired within the borough may be brought before and determined by any person who would have had jurisdiction to hear and determine the offence or claim had it occurred or arisen at the place within the borough where the hiring was effected.

(b) In addition to any persons authorised by section 253 of the Public Health Act 1875 the Corporation may take proceedings for the recovery of any penalty for any offence specified in the preceding paragraph (a).

171. 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 borough as if such railway station or railway premises were a stand for hackney carriages or a street :

Vehicles at
railway
stations.

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

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand 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.

172. An occasional licence for a hackney carriage omnibus or other 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 for
hackney carriages
and other public
vehicles.

A.D. 1925;
—
Byelaws as
to hackney
carriages.

173. The power to make byelaws conferred upon the Corporation by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say) :—

- (a) For the inspection of every hackney carriage at all reasonable times when required by the inspector of hackney carriages appointed by the Corporation;
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire;
- (c) For the fixing of fares to be charged for the use of any motor hackney carriage by time and distance combined;
- (d) For the provision of a deposit of a reasonable sum by the owner of every motor hackney carriage applying for a licence for such carriage as a security for the number plate fare plate and inside number plate and for the deposit by the driver of every motor hackney carriage of a reasonable sum as security for his badge;
- (e) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made;
- (f) For the notification in writing to the town clerk by the driver of any hackney carriage of any change in his place of abode.

Preventing
nuisance
caused by
emission of
grit from
chimneys.

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

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

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

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Service of
summons on
members of
council.

176. 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 VI. (Streets buildings drains &c.) and Part VII. (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Power to
enter pre-
mises.

177. 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 VI. (Streets buildings drains &c.) and Part VII. (Infectious disease and sanitary provisions) of this Act or under any byelaw made thereunder respectively 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.

178. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or

In executing
works for
owner Cor-
poration
liable for
negligence
only.

A.D. 1925. 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
appeal.

179. 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 VI. (Streets buildings drains &c.) and Part VII. (Infectious disease and sanitary provisions) of this Act or by any conviction or order made by a court of summary jurisdiction under the said provisions may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

As to breach
of condi-
tions of con-
sent of Cor-
poration.

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

Consents of
Corporation
to be in
writing.

181. 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 borough 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.

Evidence of
appoint-
ments
authority
&c.

182. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment

or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document. A.D. 1925.

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

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

185. 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.

186. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the borough fund or to such other fund as the Corporation shall direct. Penalties to be paid over to treasurer.

A.D. 1925.

Recovery of
demands.

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

Informa-
tions by
whom to be
laid.

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

Summons or
warrant
may con-
tain several
sums.

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

Saving for
indictments
&c.

190. 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.

Application
of section 265
of Public
Health Act
1875.

191. 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 this Act as if the same were re-enacted herein.

Judges
&c. not
disqualified.

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

Compensa-
tion how to
be deter-
mined.

193. 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.

194. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act or any existing Act or order of the Corporation the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

A.D. 1925.

—
Inquiries by
Minister of
Transport.

195. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Powers of
Act cumu-
lative.

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

Crown
rights.

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

Costs of
Act.

A.D. 1925.

The SCHEDULES referred to in the
 foregoing Act.

FIRST SCHEDULE.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER
 PARTICULARS TO BE RENDERED UNDER THE BARROW-
 IN-FURNESS CORPORATION ACT 1925.

<p>1. Name of the street or road &c. in which the property is situate - Number of the house - - - - (If not numbered state the name by which known.) Whether occupied with or without stables or other premises as part of the same property - - - The quantity of land (if any) and how used.</p>	
<p>2. Full Christian name and surname of occupier - - - -</p>	
<p>3. Name and address of owner or immediate lessor - - - - (If not known state the name and address of the agent or person to whom the rent is paid.)</p>	
<p>4. Whether the property is occupied— (a) Wholly as a private residence - - - - - or (b) Partly as a dwelling-house and partly for trade or business purposes - - - - or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - - (Number of rooms set apart for the use of the caretaker (if any) and on which floor.) (d) Nature of the business (if any) -</p>	<p>(a) (b) (c) (d)</p>

A.D. 1925.

<p>5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - -</p>	
<p>6. Amount of rent - - - - or if ground rent only is paid state its amount - - - -</p>	<p>£ per £ per</p>
<p>7. Whether the property is held under lease or agreement for a period of years - - - - or by the year quarter month or week - - - -</p>	
<p>8. (a) Date of commencement of term of lease or agreement - - - - (b) Term of years for which granted (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - (If none insert "None.")</p>	<p>(a) (b) (c) Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated i.e. the amount at which the property is worth to be let by the year the owner keeping it in repair - - - -</p>	<p>} Annual Value £</p>
<p>10. (a) Amount of land tax (if any) - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 - (State in each case whether borne by the landlord or tenant.)</p>	<p>(a) £ . Borne by the (b) £ . Borne by the</p>

A.D. 1925.

<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent. - - - - -</p>	
<p>12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - - (If each undertakes to bear part only of the cost of repairs state the particulars.)</p>	

DECLARATION.

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

SECOND SCHEDULE.

Referred to in the section of the foregoing Act of which the marginal note is "Power to use one form of mortgage for all purposes."

FORM OF MORTGAGE.

BOROUGH OF BARROW-IN-FURNESS.

By virtue of the Barrow-in-Furness Corporation Act 1925 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Barrow-in-Furness (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by

(hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall

be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ nineteen hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year

A.D. 1925.

And it is hereby agreed that the principal sum shall be repaid at the town hall in the said borough [(subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ if six calendar months' notice in writing expiring on or before that date shall have been given by the Corporation to the mortgagee or by the mortgagee to the Corporation or (if not repaid on that date) the principal sum shall be repaid at any time after that date on the expiration of six calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the town clerk of the borough for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

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

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____ consenting the within-mentioned time for repayment of the within-mentioned principal sum of _____ is hereby extended to the _____ day of _____ [and the interest to be paid thereon on and from the _____ day of _____ nineteen hundred and _____ is hereby declared to be at the rate of _____ per centum per annum].

Dated this _____ day of _____ nineteen hundred and _____

[Ch. cvii.]

Barrow-in-Furness [15 & 16 GEO. 5.]
Corporation Act, 1925.

A.D. 1925.

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] [of
] in
pounds
consideration of the sum of
paid to me by of
(hereinafter referred to as "the transferee") do hereby transfer
to the transferee [his] executors administrators and assigns [the
within-written security] [the mortgage number
of the revenues of the mayor aldermen and burgesses of the
borough of Barrow-in-Furness bearing date the
day of] and all my right and interest under
the same subject to the several conditions on which I hold the
same at the time of the execution hereof and I the transferee
for myself my executors administrators and assigns do hereby
agree to take the said mortgage security subject to the same
conditions.

Dated this day of
nineteen hundred and

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